CANADIAN URBAN INSTITUTE

Municipal Government in the Greater Toronto Area

Structure, Function, Issues, and Intergovernmental Relations

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Urban Focus Series **92-8**

93-02084/

Municipal Government in the Greater Toronto Area

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ISSN: 1183-2304 ISBN: 1-895446-42-2

92-8 Municipal Government in the Greater Toronto Area: Structure, Function, Issues and Intergovernmental Relations

Canadian Cataloguing in Publication Data
Main entry under title:

Municipal Government in the Greater Toronto Area: Structure, Function, Issues and Intergovernmental Relations

(Urban focus series; 92-8)

ISBN 1-895446-42-2
1. Metropolitan Government - Ontario - Toronto. 2. Metropolitan Government - Ontario - Toronto Metropolitan Area. 3. Municipal Government - Ontario. 4. Toronto Metropolitan Area (Ont.) - Politics and Government I. Canadian Urban Institute. II. Series
JS1789.M86 1992 320.8'5'09713541 C92-094889-8

Preface

This volume has two sources. Section A—the overview—is based on material prepared to help explain municipal government in the Toronto region to officials in other countries who participate in programs of the Canadian Urban Institute. Sections B to G are based on notes prepared for participants in various courses held by the Institute in Toronto and Ottawa for local elected and appointed officials.

Readers who wish to use the volume as a reference work will find the comprehensive index to be of value; it begins on Page 135. Also of value may be the listing of the members of councils and department heads of the 35 municipalities of the Greater Toronto Area—with telephone numbers—that begins on Page 115.

There is much scope for error in presenting the enormously complex panoply of municipal government and its many relationships. We've taken care to provide the most accurate and reasonable assessment, but there are undoubtedly errors of fact and interpretation. Please correct us.

Sources have not been provided in this volume in order to avoid extensive footnotes or endnotes. We welcome enquiries about specific points. We'd like to know if sources should be included in subsequent editions, and to hear other suggestions for improvements in format.

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September 1992

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A. Overview of the Structure and Function of Municipal Government in the Toronto Region

A1. Municipal government in Canada

A1.1 Municipal governments—local and regional—are not recognized in the constitution of Canada. As a consequence, they are entirely subordinate to the autonomous provincial governments as part of those governments' responsibility for what are called *municipal institutions*. Thus the existence and authority of municipal councils is entirely defined by provincial legislation. (Section 92 of the *Constitution Act, 1867*—formerly known as the *British North America Act, 1867*—provides that "In each Province the Legislature may exclusively make Laws in relation to Matters coming within the classes of Subjects next herein-after enumerated; that is to say.– … 8. Municipal Institutions in the Province. …")

A1.2 The laws that establish and empower municipalities in each province give *elected councils* both legislative and executive authority over matters within municipal jurisdiction. There is *no separate executive* headed by a mayor or other official—in contrast to municipal governments in the United States and many other countries. Thus, the elected councils *are* the municipal governments in Canada. In practice, most of the work of government is carried out by the numerous officials and employees appointed and hired by the councils. In what follows, terms such as Metropolitan Toronto Council, Metropolitan Toronto government, and metropolitan government are used interchangeably.

A1.3 Members of local councils in Canada are elected at large or by wards, according to specific provincial legislation for the individual municipalities. The heads of local councils are elected at large and are usually known as mayors. Their role is to be first among equals. They preside at council meetings, vote on matters as do other members of the councils, and speak for their councils, but they generally have little executive authority except as may be conferred on them by their municipal councils.

A1.4 Regional councils usually comprise some or all members of the local councils within the respective regions. Heads of regional councils, known as chairmen (increasingly as *chairs*), are usually appointed by the regional councils and often need never have been elected by the public. The

Council of the Municipality of Metropolitan Toronto is an exception to these general statements about regional councils in that most of its members do not sit on local councils. Its structure is described in the next section.

A1.5 Schools are also, under the Canadian constitution, entirely a matter of provincial jurisdiction. They are governed by school boards whose members, known as trustees, are elected at the same time as municipal councillors are elected. The management of schools is discussed further in Section A5 below. (Section 93 of the *Constitution Act, 1867* provides that "in and for each Province the Legislature may exclusively make Laws in relation to Education … ." The *Act* requires that such laws be subject to certain stipulations concerning the rights of particular religious denominations; the existence of schools providing religiously based education for Roman Catholic children in Toronto is a consequence of one of these stipulations.)

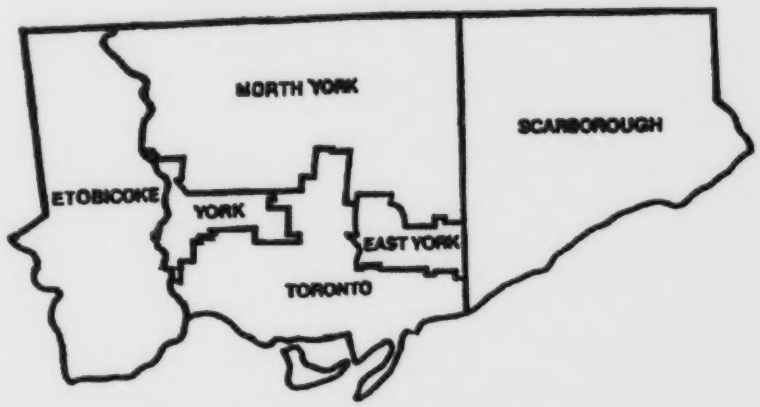
A2. Municipal government in Toronto

2.1 Until 1953, there was no effective regional government in Toronto but merely a weak county administration, which did not include the City of Toronto, and some special-purpose bodies, which did. Municipal government consisted of the City of Toronto, population 680,386 in 1951 and declining, and 12 other municipalities, total population 437,066 in 1951 and growing rapidly.

A2.2 The need for structural reform of municipal government in the Toronto region had been recognized for three decades and was widely understood in the early 1950s. Reform was required, according to the prevailing view, to allow the relative wealth of the City of Toronto to be used to provide the physical infrastructure necessary for the development of the suburbs. But the preferred solution of both the government of Ontario and the City of Toronto—amalgamation of the 13 municipalities—was strongly resisted by most suburban politicians.

A2.3 A compromise was enacted on April 2, 1953. It involved creation of a two-tier, federated system that balanced regional and local powers and responsibilities. Its essential feature was the formation of a new regional government for an area to be known as Metropolitan Toronto. The new government was given greater powers and responsibilities than had been accorded any municipal government of regional scope in Canada. The 13

Exhibit 1. Metropolitan Toronto and its constituent local municipalities



local municipalities were retained—with elected councils but with mostly reduced responsibilities.

A2.4 The Municipality of Metropolitan Toronto remains Canada's largest and most comprehensively empowered regional government. The population within its jurisdiction, close to 2.2 million in 1991, is larger than that of all but four of Canada's ten provinces and two territories. Its annual expenditures, however, are larger only than those of the smallest province and the two territories. ("Metro" is a short form of "Metropolitan" and is often used in place of "Metropolitan Toronto.")

A2.5 The two-tier system established in 1953 has stood the test of time. The basic distribution of powers between the two tiers, set out in Section A3 below, has remained the same with only three significant changes, listed in Section A3.

A2.6 The *structure* of municipal government within Metropolitan Toronto has changed considerably since 1953. The number of local municipalities was reduced by amalgamation in 1967 from 13 to six. The six are the Cities of Etobicoke (mid-1991 population of 296,000), North York (542,000), Scarborough (485,000), Toronto (602,000), and York (132,000), and the Borough of East York (97,000). They are shown in Exhibit 1. (Exhibit 5 on Page 14 below places Metropolitan Toronto within what is now known as the Greater Toronto Area.)

A2.7 More significant for the practice of regional government has been the change in the way in which membership of the Metropolitan Toronto Council has been structured.

A2.8 Until 1985, all members of the Metropolitan Toronto Council were also members of one or another of the local councils within Metropolitan Toronto. The members of the Metropolitan Council almost invariably saw their primary allegiance to their local councils because they were perceived by their electorates during the municipal elections as running for membership of the local councils. Regional issues were neglected as a result. In 1985, for a single three-year term, representatives of one of the local municipalities, the City of Toronto, were elected directly to the Metropolitan Toronto Council. But they also sat as members of the City of Toronto Council, and there was little evident improvement in the regard for regional issues.

A2.9 The significant change occurred in the three-year term beginning in 1988. The Metropolitan Toronto Council was restructured to comprise 28 councillors each directly elected from more-or-less equally sized wards throughout Metropolitan Toronto together with the mayors of the six local municipalities. The 28 metropolitan councillors, as they are called, are not also members of the local councils. Moreover, they are paid as full-time councillors. Among the members of the six local councils within Metropolitan Toronto, only the six mayors and the 16 city councillors who, with the mayor of Toronto, comprise the City of Toronto Council are considered to hold full-time political positions. The chairman of the Metropolitan Toronto Council is selected at the beginning of each three-year term from among the 28 metropolitan councillors by the 34 members of the Council.

A3. Allocation of responsibilities

A3.1 The division of responsibilities between the Metropolitan Toronto Council and the local councils is illustrated in Exhibit 2. The City of Toronto Council is used as the example of a local council. The organization of the responsibilities within the other local municipalities of Metropolitan Toronto is similar to, but not identical with, that in the City of Toronto.

A3.2 The responsibilities shown in Exhibit 2 are those that provide a direct service to the public. The administration of each municipality also contains numerous internal functions including those of the municipal clerk and

solicitor, personnel services, corporate services (e.g., centralized data-processing), management of municipal property, financial administration and audit, and the purchasing and supply of goods and services.

Exhibit 2. Distribution of Responsibilities between the Metropolitan Toronto and City of Toronto Councils

METROPOLITAN TORONTO COUNCIL	CITY OF TORONTO COUNCIL
Community Services	
Police Ambulance Emergency services	Fire protection Public health
Public transportation	*Electricity distribution* *District heating*
Water purification Sewage treatment Waste disposal	Water distribution Sewage collection Waste collection
Major roads	Local roads
Regional parks *Cultural activities*	Local parks Community centres *Cultural activities*
Public housing	Public housing
Licensing of businesses	Inspection of buildings Historical preservation
Regional planning	Local planning
Reference library	*Public libraries*
Exhibition centre *Zoo*	

Items in italics: Some or all of the responsibility for the management of the service throughout the jurisdiction rests with a special-purpose board or commission.

A3.3 Two important functions are not shown in Exhibit 2: (1) issuance of debenture bonds by the Metropolitan Toronto Council for its own capital projects and for those of the local councils and the school boards, and (2) collection of property taxes by the City of Toronto Council for its own purposes and for those of the Metropolitan Toronto Council and for the school boards. These matters are discussed below in Sections 6 and 7, respectively.

A3.4 As noted above, the basic legislation providing for the distribution of responsibilities between the Metropolitan Toronto Council and the local councils was passed by the Legislature of Ontario in 1953. Since then there have been three significant amendments to the responsibilities of the regional and local councils:

- The Metropolitan Toronto Council assumed responsibility for policing from the local councils in 1957. (Direct responsibility for the police remained functionally decentralized to a separate board—the Police Services Board—to which the provincial government appoints the majority of members.)

- The Metropolitan Toronto Council assumed responsibility for waste disposal from the local councils in 1967. (This responsibility has been partially assumed by a special-purpose body—the Interim Waste Authority—appointed by the provincial government.)

- Responsibility for the assessment of lands and buildings for property taxes was assumed by the provincial government from the Metropolitan Toronto Council in 1970, as part of a province-wide reorganization of assessment functions.

A4. Basis for the allocation of responsibilities

A4.1 The compromise between amalgamation and inaction that led to the establishment of the Metropolitan Toronto Council in 1953 was above all an exercise in practical politics. The report of the Ontario Municipal Board that set out what were described as the "general principles" of the distribution of powers and responsibilities stated that the Board's first principle was the careful avoidance of "any reduction in the existing powers of the local authorities, with the object of preserving the greatest possible degree of local autonomy." (The Ontario Municipal Board is a provincial agency

with broad powers over many aspects of municipal government in Ontario.) The Board continued, however, that

> "... it has not hesitated to assign to the central authority definite responsibility for the functions and services considered vitally necessary to the continued growth of the entire area as an urban community. In particular, it is considered essential that the central metropolitan government should have jurisdiction over certain physical and other services that must be provided at all costs in the housing of the present and future population ultimately responsible for the prosperity of the area. In the same class, are the municipal services required to supplement the outstanding advantages of the area as a centre of industry and commerce."

A4.2 These emphases were reinforced in the title of the Bill introduced into the Legislature of Ontario to establish the new government. It was *An Act to Provide for the Federation of the Municipalities of the Metropolitan Toronto Area for Certain Financial and Other Purposes.*

A4.3 In examining the present distribution of powers and responsibilities (taking into account the changes since 1953 noted in the previous section), three features of the distribution between the metropolitan and local governments stand out:

Regional vs. local Many matters that may best be organized regionally—for example, major roads, regional parks, and regional planning—are the responsibility of the metropolitan government. Conversely, local roads and parks and local planning are under the jurisdiction of the local governments.

Wholesale vs. retail Many functions that are most efficiently performed on a large scale are managed by the metropolitan government. These include water purification, sewage treatment, and waste disposal. The provision of these services to the ultimate consumers—in the form of water distribution and billing, sewage collection and billing, and waste collection—is managed locally.

Services to people vs. services to property The metropolitan government's major responsibility is the provision of social services, including social assistance and services for the elderly and for pre-school children. This government's protective

and emergency functions more directly concern people (for example, the police and ambulance services) than the protective and emergency functions of the local governments (notably fire protection). The metropolitan government's main utility, public transit, can also be contrasted in this way with those of the local governments, which involve the supply of water, electricity, and steam heat. The metropolitan government's main regulatory function, the licensing of businesses, can be contrasted with the main regulatory functions of the local governments, which are the zoning of land, the inspection of buildings for safety and zoning violations, and the preservation of historical integrity.

A4.4 The first two of these three features flow readily from a logical appraisal of the functions appropriate to regional and local governments and from the intent in the creation of the Metropolitan Toronto Council. The third feature—that the metropolitan government provides services to people whereas the local governments provide services to buildings—is more surprising.

A4.5 Metropolitan government is usually seen as more remote than the local governments and more concerned with the physical infrastructure of the region than with people and communities. In reality, as is shown in Exhibit 3, the Metropolitan Toronto Council's main expenditure areas are the "people" items of community services, policing, and public transit. By contrast, the two main expenditure areas of the City of Toronto Council are what might be called "hardware" items.

A4.6 The different focuses of local responsibilities on buildings, on the one hand, and of metropolitan responsibilities on people, on the other, might reflect no more than the stability of buildings and the mobility of people. For example, community services, which include social assistance (welfare), may be organized regionally to avoid local administrative and other differences that could cause concentrations of poverty in particular jurisdictions within the metropolitan area. Policing in part involves the apprehension of people who can move readily across municipal boundaries and who might live and act according to how effectively policing is carried out.

Exhibit 3. Gross expenditures of the Metropolitan Toronto and City of Toronto Councils, in millions of dollars, as budgeted for 1992.

Metropolitan Toronto Council			City of Toronto Council		
Item	**Amount**	**%**	**Item**	**Amount**	**%**
Community Services	1,539	48	Public works	98	17
Police	581	18	Fire protection	90	15
Public transit	305	9	Parks and recreation	57	10
Everything else	786	24	Everything else	344	58
Total	**3,211**	**100**	**Total**	**589**	**100**

A4.7 As municipal government in Ontario becomes more involved in the provision of services to people rather than services to property, the role of the Metropolitan Toronto government becomes greater in relation to that of the local governments within Metropolitan Toronto.

A5. The management of schools

A5.1 The structure of municipal government in Canada has more in common with that in Britain than with that in the United States, although the systems are by no means identical. But the management of schools in Canada is more like the system that prevails in the United States, the chief common characteristic being *elected school boards* comprising trustees who run for office at the same time as the elections for municipal councillors are held.

A5.2 Most children in Toronto attend schools managed by the public school boards, one for each of the six local municipalities, or the Metropolitan Separate School Board, which manages schools across Metropolitan Toronto for the children of parents who consider themselves to be members of the Roman Catholic Church and who opt to send their children to what are known as separate schools where religiously based education is provided. Approximately 270,000 children attend 567 public schools in Metropolitan Toronto; 104,000 children attend 224 separate schools. Also, all boards provide adult education programs that in total serve several hundreds of thousands of students.

A5.3 As well as the six local public school Boards, there is a Metropolitan Toronto School Board whose chief functions are:

- The coordination and funding of capital projects for the local public school boards.
- The distribution of funds raised through property taxes to the local public school boards according to need.
- The negotiation of teachers' salaries and control over how many teachers each local board may employ.

A5.4 The process of centralized allocation of funds for the operation of public schools by the Metropolitan Toronto School Board is designed to even out the funding of schools across Metropolitan Toronto. It ensures that schools in municipalities with a relatively low tax base—i.e., with a lower-than-average proportion of commercial and industrial properties—receive about the same amount of funding per student as schools in municipalities with a larger tax base. The process takes into account special local needs—for example, those caused by concentrations of students for whom English is not a first language.

A5.5 Since 1989, there has also been an eighth operating board that provides education in the French language for approximately 1,500 students.

A5.6 The borrowing of funds by the Metropolitan School Board for the local boards must be approved by the Metropolitan Toronto Council; in practice approval is routine. Borrowing by the Metropolitan Separate School Board is not subject to approval by the Metropolitan Toronto Council, but it does require the approval of the Ontario Municipal Board (see next section).

A6. How funds for capital projects are secured

A6.1 An important responsibility of the Metropolitan Toronto Council is to effect the borrowing of funds for capital projects for its own purposes, for those of its boards and commissions, for the local municipalities and their boards and commissions, and for the Metropolitan Toronto School Board. Long-term borrowing for other purposes is not permitted.

A6.2 Borrowing for capital projects is normally achieved by the issuance of debentures on public bond markets in Canada or in other countries. Debentures may also be sold directly to private lenders, but this is rarely done. Typically the debentures are issued as sinking-fund debentures, with the borrowers paying fixed amounts annually to self-managed trust funds that are invested to provide for the repayment of the borrowing at maturity. Debenture amortization terms are typically 10 years, but range from five to 20 years.

A6.3 Requests by the local councils to issue debentures, for their own purposes and for those of their boards, agencies, and commissions, must be approved by the Metropolitan Toronto Council or, in the case of local municipalities outside Metropolitan Toronto, by the respective regional council—see Section A9 below. In practice, this approval is routine because the accumulated debt of each local municipality has usually been well below its debt-carrying capacity.

A6.4 All financial obligations by municipalities and their boards and commissions that extend beyond the term of a council must be approved by a regulatory agency of the Ontario government known as the Ontario Municipal Board (OMB). Financial commitments include such items as real-estate leases and commitments of grants as well as borrowing. Requests for approval by the OMB must be accompanied by a five-year program of capital expenditures. Approval is granted only when the OMB is satisfied that the programs are within the financial capability of the applying municipality or school board.

A7. How taxes are assessed and collected

A7.1 The main source of tax revenue for municipalities in Toronto (and elsewhere in Canada) is the property tax: an annual amount levied on the market value of the land and buildings that comprise the property, or on a notional market value of the property. Each business also pays an additional tax, known as the business tax, calculated as a percentage of the property tax payable on the portion of the property it occupies.

A7.2 The assessment of the market value or notional market value of each property is carried out by the Ministry of Revenue of the Ontario government. This responsibility was transferred from the Metropolitan Toronto Council to the provincial government in 1970 as part of a move

to provide for the more uniform administration of the function across Ontario.

A7.3 The present assessment system is too complex to allow simple description. It depends on the assignment of notional market values and it has the effect of penalizing newer properties and certain rental accommodation by assigning to them a higher notional market value than is assigned to similar properties that are older or owned by their occupants. Values closer to actual market values are to be used for all properties in Metropolitan Toronto beginning in 1993. They are already in use in most municipalities in Ontario outside Metropolitan Toronto.

A7.4 The tax owed in respect of a property in a given year is found by multiplying the assessed value of the property by the tax rate for that year, a rate known as the mill rate. The mill rate combines the requirements of the metropolitan and local governments and the school boards. A little over one half of the property tax paid in respect of each property goes to the school boards (public or separate, according to the decision of the owners and users of the property). A little over a quarter goes to the metropolitan government. The remainder goes to the local government.

A7.5 The collection of property taxes is the responsibility of the local governments. They collect the taxes for their own purposes and for those of the metropolitan government and the school boards. The local councils have no power to vary the amounts required by the other governments for collection.

Exhibit 4. Gross revenues of the Metropolitan Toronto and City of Toronto Councils, in millions of dollars, as budgeted for 1992.

Revenue type	Metropolitan Toronto Council		City of Toronto Council	
	Amount	%	Amount	%
Property and business taxes	1,179	37	349	59
Federal and provincial grants	1,413	44	137	23
Other revenues*	618	19	103	17
Totals	**3,211**	**100**	**589**	**100**

*Other revenues include all user fees except transit fares and revenue from the sale of electric power.

A7.6 Taxes provide only a portion of municipal revenues. By way of illustration, the projected revenues for 1991 of the Metropolitan Toronto and City of Toronto Councils are set out in Exhibit 4.

A8. The politics of municipal government

A8.1 Political parties are not recognized officially in municipal government in Toronto (or elsewhere in Canada except in the province of Quebec), but members of councils and school boards are usually active members of one or another of the three main national and provincial parties and, to varying degrees, are recognized as such by the media and the public. A range of political perspectives is expressed, although by world standards these would be considered to be clustered around a point just to the right of centre.

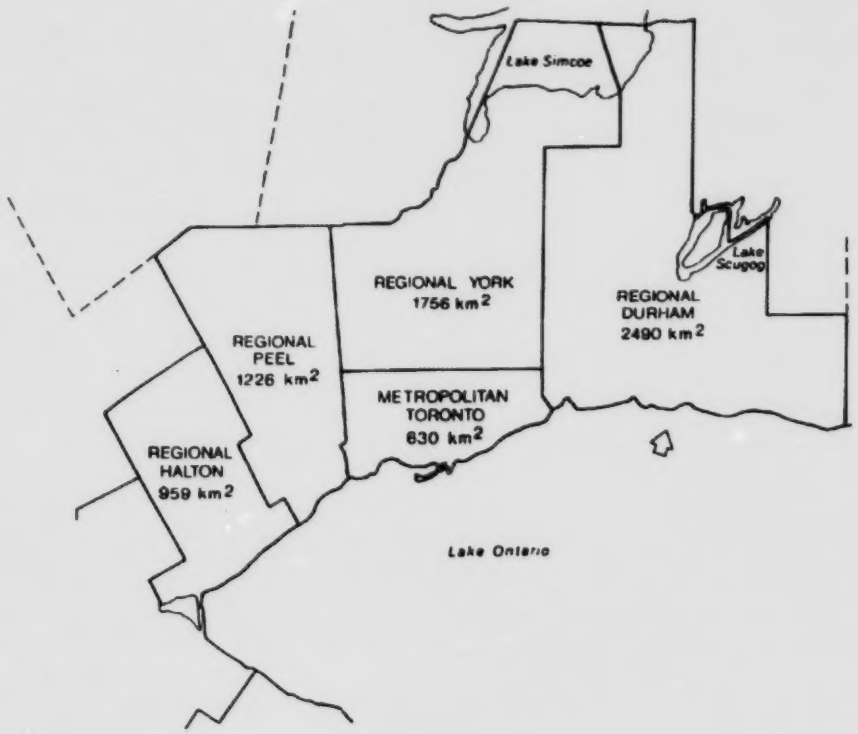
A8.2 Left and right wings of the Canadian political spectrum are mostly distinguished by their attitudes to business and government—the peaceful coexistence of the two being generally regarded as desirable. Left-wing politicians at the municipal level tend to believe in the primacy of government. They believe the services provided by government—for example, schools, roads, and sewers—allow business to operate efficiently. Right-wing politicians tend to believe in the primacy of business. They believe the wealth generated by business provides the resources that allow government to provide the services that many individuals could not otherwise afford.

A8.3 One issue that might be thought to distinguish among local politicians is the question of whether government should be centralized or decentralized, but this is not an urgent political issue in Toronto. The only related matter of any real controversy concerns the governance of the Toronto region.

A9. Governing the Toronto Region

A9.1 Metropolitan Toronto is part of what is known as the Greater Toronto Area (GTA), shown in Exhibit 5. The GTA also includes four regional municipalities having powers and responsibilities similar to those of the Metropolitan Toronto government, and 24 local governments having powers and responsibilities similar to those of the six local governments within Metropolitan Toronto.

Exhibit 5. The Greater Toronto Area



A9.2 The urgent challenges for government in the Toronto region concern how projected increases in the region's population should be accommodated and how services in the region should be coordinated. In 1988, the government of Ontario established an Office for the Greater Toronto Area (hence the name) in response to these challenges. This office, which functions as a small department of the provincial government, provides advice and research only. It has no administrative functions; indeed, the GTA has no legal status.

A9.3 Information about the GTA and its constituent regional and local municipalities is given in Exhibit 6, which shows that almost as many people now live in the four regions surrounding Metropolitan Toronto as in Metropolitan Toronto itself. Moreover, the rate of population growth in

the four regions is much higher. Exhibit 6 shows too that the density of settlement in the urbanized parts of the four regions is less than half that in

Exhibit 6. Information about Metropolitan Toronto and the four other regions that together comprise the Greater Toronto Area (GTA)

	Date founded	Estimated 1991 population (millions) [A]	Annual rate of population growth, 1971-1991	Urbanized area in 1991* (km^2) [B]	Residential density persons/km^2 [= A/B]	Number of constituent local municipalities
Durham	1973	0.39	2.9%	230	1,695	8
Halton	1974	0.30	2.4%	207	1,450	4
Peel	1973	0.69	5.0%	336	2,055	3
York	1971	0.48	4.8%	272	1,765	9
Four regions		**1.86**	**4.0%**	**1,045**	**1,780**	**24**
Metropolitan Toronto	1953	2.15	0.0%	619	3,475	6
GTA		**4.01**	**1.6%**	**1,664**	**2,410**	**30**

**These are urbanized areas; the actual areas of the four regions and Metropolitan Toronto are shown in Exhibit 5.*

Metropolitan Toronto. (Only 16% of the land in the four regions is presently urbanized; the remainder is used for agriculture and other purposes; 98% of the land in Metropolitan Toronto is urbanized.)

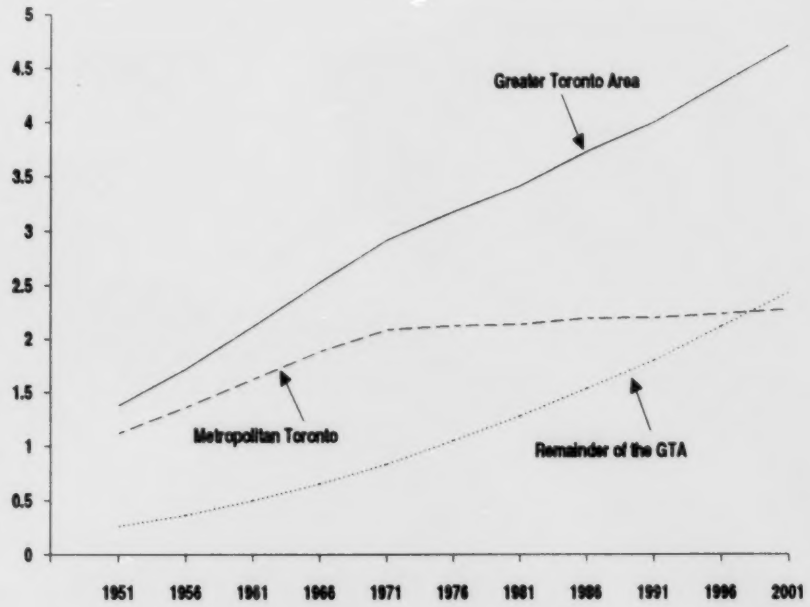
A9.4 The dramatic growth of the four regions around Metropolitan Toronto is further illustrated in Exhibit 7, which shows the changes in population since 1951—just before the Metropolitan Toronto Council was created (see Sections A2 and A4 above)—and provides projections until 2001.

A9.5 Exhibit 7 shows that in the late 1960s the rate of population growth in the area surrounding Metropolitan Toronto had become higher than that in Metropolitan Toronto itself. There was a need to provide for the orderly development of the surrounding area, much as there had been a need to provide for the orderly development of the area around the City of Toronto 20 years earlier.

A9.6 A reasonable response of the provincial government of the late 1960s might have been to adjust the boundaries of Metropolitan Toronto to include the surrounding area that was being rapidly urbanized. Instead,

during the period 1971 to 1974 the provincial government created four regional governments around Metropolitan Toronto, each of which was responsible for a small urbanized area and a large rural hinterland. This alternative was chosen in order to avoid the political challenge that might be posed by a single regional government that embraced more than a third of the population of the province, which was 7.70 million in 1971, and a much higher proportion of its wealth. (The population of Ontario in mid-1991 was 9.92 million; that of Canada was 27.02 million.)

Exhibit 7. Populations of the Greater Toronto Area, Metropolitan Toronto, and the remainder of the GTA, in millions of residents, 1951-2001



A9.7 There have been two main consequences of the creation of the four regional governments:

- *An acceleration of the trend for the growth in the population of what is now the GTA to occur around rather than within Metropolitan Toronto.* The accelerated trend is illustrated in Exhibit 7. There were many factors contributing to the trend, but little doubt that the urgent need for the new regional governments to enhance their status through development of taxable property within their jurisdictions was a major

factor. The trend is such that during the 1990s the population of the four regions is likely to become larger than that of Metropolitan Toronto.

- *The proliferation of separate mechanisms for the delivery of services across what may be essentially a single urban region, demographically, economically, and socially.* Proliferation has been most extreme in public transportation. There are now eight separate transit systems within the GTA. Had regional government been restructured in the early 1970s by expansion of the boundaries of Metropolitan Toronto there might now be only one—an expanded Toronto Transit Commission. There are five administrations for the disposal of waste, five for the delivery of community services, and so on, where there might have been only one.

A9.8 Exhibit 6 indicates that the development in the surrounding area has been at a much lower density than that of Metropolitan Toronto. This low density development, known as urban sprawl, poses major challenges. It has produced dependence on the personal automobile, consequent traffic congestion and high energy consumption, increasingly insupportable demands for expensive road, sewer, and water systems, dramatic losses in the amount of land under cultivation, and social and economic segregation by limiting housing to single-family homes.

A9.9 The dependence on the personal automobile is illustrated in Exhibit 8, which presents data on automobile ownership and use collected in the fall of 1986.

A9.10 Exhibit 8 shows that the almost one million people who live in and near the Greater Toronto Area's Central Business District (the Core) live at a density that is almost twice that of the residents of the remainder of Metropolitan Toronto (the Inner Suburbs) and almost four times that of the residents of the GTA who live outside Metropolitan Toronto (the Outer Suburbs).

A9.11 Automobile ownership and use appears to be inversely related to the density of settlement. In what is described in Exhibit 8 as the Core, 30 per cent of households have no car; in the Outer Suburbs, only 1 per cent of households have no car. In the Core, 21 per cent of households have two cars or more; in the Outer Suburbs, 64 per cent have two cars or more. On each of these measures—and on the other measures of automobile ownership and use—the Inner Suburbs rate halfway between the Core and the Outer Suburbs.

Exhibit 8. Indices of dependence on the automobile of residents of the Core, Inner Suburbs, and Outer Suburbs of the Greater Toronto Area.

	Core*	Inner Suburbs*	Outer Suburbs*
Population	910,400	1,224,300	1,504,500
Households	385,900	434,900	488,900
Residential density**	5,300	2,780	1,440
Vehicles per Household	0.96	1.43	1.76
Households with no car	30%	15%	1%
Households with >1 car	21%	40%	64%
Total daily trips per person	1.95	2.13	2.28
Trips made by car	55%	70%	81%
Trips made by transit	32%	22%	9%

* The **Core** here comprises the Metropolitan Toronto Planning Department's District 1 (which includes the Central Business District) and the four districts that touch District 1 (Districts 2, 3, 4, and 6). The **Inner Suburbs** comprise the remainder of Metropolitan Toronto. The **Outer Suburbs** comprise the part of the Greater Toronto Area that is not within Metropolitan Toronto, i.e. the part described as the "Four regions" in Exhibit 6.

** Persons per square kilometre, urbanized area only.

(Source for the travel data: Transportation Tomorrow Survey—conducted for the Ontario Ministry of Transportation and Communications and other agencies in December 1986.)

A9.12 The major effect of the proliferation of jurisdictions and agencies has been to impede the orderly planning of regional facilities for the medium and long term. This has been most noticeable in the planning for waste management facilities.

A9.13 The establishment of a single regional government in the early 1970s for what is now the GTA, rather than an additional four, may not have immediately prevented the low-density development outside Metropolitan Toronto. But a single regional government could have been in a better position to effect solutions to the problems that low-density development has caused.

A9.14 The question as to whether the decisions of the early 1970s can be undone, and a single regional government established instead of the present five governments, has been raised occasionally during the last 15-20 years. Now, as the need for coordination and possibly restructuring grows more apparent, the notion of a single regional government is being raised with more vigour.

A9.15 A single regional government for the GTA, if it were established, could be one of the tiers of a two-tier structure similar to the present system. The other tier would be the 30 local municipalities within the GTA, or a lesser number achieved through amalgamation or reorganization. There is little thought of dispensing with the successful two-tier model, which provides a fine balance between local and regional imperatives.

A9.16 In spite of the political difficulties, more attention is being paid to the problem of checking and even reversing the march of urban sprawl across the countryside of southern Ontario. To this end, a consensus is being encouraged by the provincial government and the Metropolitan Toronto government that the rates of growth in Metropolitan Toronto and the remainder of the GTA should essentially be reversed so that a much greater proportion of the projected growth in the region's population will live within Metropolitan Toronto.

A9.17 Demographers believe that in 2021 the population of the Greater Toronto Area will be six million or more, no matter what the distribution of population within the GTA. The most extreme proposed change from the present trends in population distribution would have 3.8 million of this 6.0 million living within Metropolitan Toronto and 2.2 million living in the remainder of the GTA. If present trends continue, no more than 2.4 million of the 6.0 million will live in Metropolitan Toronto.

A9.18 Even though intensification of the GTA's population is seen increasingly as desirable, and probably could not be achieved without a restructuring of regional government, there has been reluctance on the part of successive provincial governments to propose such a reorganization. The political reasons that prevented the implementation of such a solution in the early 1970s have as much force now as then, and they are buttressed by the interests of the existing regional governments that would be abolished. The alternative, however, might be profound and growing dysfunction in the economically most productive part of the province.

B. The Intergovernmental Context

B1. The place of municipalities in the Canadian federation

The first municipalities in Ontario

B1.1 Municipal government as we know it in Ontario began soon after the settlement of the country by Europeans. Under the French regime, there had been little organized settlement in what is now Ontario. In 1792, under the British regime, Governor John Simcoe divided Upper Canada into counties for military purposes and for the election of representatives to the newly created assembly. The first bill introduced at that assembly was "to authorize town meetings for the purpose of appointing divers parish officers," including clerks, assessors, tax collectors, roads overseers, fence viewers, pound keepers, and town wardens.

B1.2 The first formal municipalities were not incorporated until the 1830s. By 1838, four years after York was transformed into the self-governing City of Toronto, there were eight police towns and two cities. Rural areas of the province functioned until the 1840s under the *Parish and Town Officers Act* with the magistrates of the Quarter Sessions in almost total control of local affairs.

Establishment of the Ontario municipal system

B1.3 In the 1840s, the municipal system that has largely survived in Ontario until now was established. The *Baldwin Act* (or *Municipal Corporations Act*) was passed in 1849 setting up the county and township system throughout southern Ontario and providing for villages, towns, and cities as urban municipal units.

B1.4 The *Baldwin Act* granted the municipalities wider powers than they had had before and greatly reduced central administrative control over local affairs. The first major changes to the system established by the Baldwin Act came only with the establishment of Metropolitan Toronto in 1953 and the eleven regional governments in the late 1960s and early 1970s.

Municipalities in the Constitution

B1.5 Canada was a rural country in 1867. The three largest cities were Montreal, with more than 100,000 residents, and Quebec and Toronto, each with a population of 50,000 to 60,000. Ottawa had no more than 20,000 residents. Urban Toronto had just three per cent of Ontario's population, then 1.5 million; now it has more than 40 per cent of the provincial total of almost 10 million. Urban Ottawa's share has risen from 1.2 per cent to 8.5 per cent of the provincial total.

B1.6 Not much thought was given to municipalities by the Fathers of Confederation, partly because there were so few towns and cities, but mainly because they wanted the provincial governments to be *local* governments, carrying out what were essentially municipal functions.

B1.7 The attitude of the Fathers is illustrated in the following extract from *The Government of Canada* by R. MacGregor Dawson (University of Toronto Press, 1963):

> The provinces were to be inferior bodies possessing little more prestige and authority than inflated municipalities. Even the sketchy records of the contemporary discussions which have come down to us contain scattered references to "municipal councils on a large scale," "local municipal parliaments," and the like, while the provincial legislatures were frequently described as "subordinate," "minor," and "inferior" bodies. "We propose," said Dr. Charles Tupper in a revealing sentence, "to preserve the Local Governments in the Lower Provinces because we have not municipal institutions"; but he was also careful to state that while "we should diminish the powers of the Local Governments, we must not shock too largely the prejudices of the people in that respect."

B1.8 There are interesting observations too in *The Life and Times of Confederation* by P.B. Waite (University of Toronto Press, 1962). They include a reference to George Brown, asking why there need be second chambers in the provincial legislatures if "the duties of the local Legislatures would be of a municipal nature only" and one to John A. Macdonald referring to the proposed provincial legislatures as subordinate and akin to what became county councils in New Zealand.

B1.9 In the Constitution itself—then known as the *British North America Act* and now known as the *Constitution Act*—the only reference to municipalities is in Section 92 of the *Act*, which is the list of matters over which provincial legislatures have exclusive jurisdiction. They are noted in sub-

section 8 as "municipal institutions," sandwiched between hospitals and asylums in sub-section 7 and taverns in sub-section 9.

Municipalities were nevertheless important

B1.10 Municipal government, such as it was, nevertheless spent most of the publicly raised money and provided most of the services for many years after 1867, even though in Ontario increased provincial supervision began shortly after Confederation. Indeed, scutiny of the relevant financial statements shows that, even as late as 1910, the budget of the City of Toronto was larger than that of the whole of the government of Ontario!

B1.11 Until the 1930s, municipalities were the major presence of government in Canada. Until the 1970s, they were no less important than provincial governments—at least as far as the delivery of services was concerned.

Municipalities gave up powers in the 1930s and later declined responsibility

B1.12 What happened in the 1930s was that municipalities, responsible for all welfare payments, were unable to cope with the Depression. In Ontario, a deal was struck that had the municipalities giving up their right to tax personal and then corporate income—which they had used since the 19th century—in exchange for assumption by the provincial government for much of the responsibility for welfare.

B1.13 In the 1950s, municipalities in Ontario declined an opportunity to use a guaranteed portion of federal and provincial income taxes—tax points not wanted by the federal government because it was taking in too much money! Memories of the Depression were strong, and the municipalities were reluctant to assume the greater responsibility that would inevitably come with reliance on more than property taxes.

Now municipalities want more powers again

B1.14 When patriation of the Constitution was discussed in the early 1980s, municipalities sought increased recognition and powers. This is also a feature of the present discussions. For example, in 1991 the Metropolitan Toronto Council argued before the *Citizens' Forum on Canada's Future* (the Spicer Commission) that the renewed Canadian constitution should recognize the three largest urban centres in Canada, if not all municipali-

ties, as a separate and equal level of government with unfettered rights, powers, and guaranteed revenue sources.

B1.15 What municipalities want may be something like what is in the constitution of the Federative Republic of Brazil. There, municipalities have clearly stated constitutional authority; they can tax fuels and certain services as well as real estate and real estate transactions, and they have guaranteed shares of federal and state taxes. However, the example of Brazil suggests that recognition of local government in the constitution is not enough to ensure that municipalities are well managed.

B1.16 The federal constitutional proposals published in September 1991 contain a section stating that "the government of Canada is prepared to recognize the exclusive jurisdiction of the provinces and discuss how best to exercise its own responsibilities in a manner appropriate to the sector" in several sectors including recreation, housing, and municipal/urban affairs. This statement appears to have been the basis of more recent agreements, but it has received little elaboration as to what changes it would entail to bodies like the Canada Mortgage and Housing Corporation (CMHC—see Section B2.16 below).

B2. Federal involvement in urban issues

General

B2.1 The federal government has no direct responsibility for municipal affairs but many of its activities over the years have had a strong impact on municipalities. The only major attempt to coordinate federal activities with relation to municipalities and develop a federal urban policy was through the creation of the Ministry of State for Urban Affairs (MSUA) in 1969. It was abolished 10 years later after failing to meet its objectives.

B2.2 For a brief period in the 1970s, tri-level meetings were held on a national scale and within Ontario, where federal, provincial, and municipal governments attempted to agree on priorities, but these meetings were abandoned along with MSUA.

Federal physical presence

B2.3 The federal government has a strong physical presence in many municipalities. Its property holdings include airports, military bases, office buildings, penitentiaries, ports, post offices, and railway lands. Its own personnel and those of its crown corporations and the military are major employment factors in many municipalities. In Ottawa-Carleton, it is the largest landowner and developer; its activities and those of the **National Capital Commission** affect local decision-making on a daily basis.

Federal policy impact

B2.4 The greatest impact of the federal government on municipalities has probably been indirect, through a wide range of economic and social policies and programs. Fiscal and monetary policies affect the levels of employment and growth in the municipalities, and therefore impinge on municipal welfare expenditure and ability to borrow. Transportation policies affect the viability or attractiveness of ports, airports, and railway connections. The national social security system has an impact on local social assistance programs and payments.

Federal-municipal relations

B2.5 Provincial governments have been jealous of their responsibility for municipal matters, and have often prevented the establishment of general programs involving a direct federal-municipal connection. Finance Minister Walter Gordon, for example, had to abandon a proposed Municipal Loan Fund in 1963. Quebec, through its *Intergovernmental Affairs Act*, formally prevents its municipalities from dealing directly with the federal government without close provincial supervision.

B2.6 Although there are no general programs involving federal-municipal relations, there are many examples of specific projects such as the revitalization of port areas and railway lands, where a federal-municipal working relationship has been established with or without provincial involvement.

Federal ministries (departments) with the most impact on municipalities

B2.7 **Transport.** It has jurisdiction over airports, railways, and ports, as well as interprovincial and international transportation standards. It is a large land

owner and employer in municipalities. It is in the midst of some policy changes such as the privatization of airport facilities, negotiations with the United States over landing rights, a cutback in subsidies for passenger rail transportation, abandonment of uneconomic rail lines, and redevelopment of port facilities—all of which have a direct impact on the economic health of municipalities.

B2.8 **Treasury Board.** The Bureau of Real Property Management has recently taken over policy management for federally owned property, most of which is within municipal boundaries. Some property in urban centres may be the subject of privatization or changes in use, and can thus be important elements of urban land use and design.

B2.9 **Health and Welfare.** This ministry is responsible for the *Canada Health Act*, which governs the medicare systems, for Old Age Security payments, for transfers to the provinces under the Canada Assistance Plan, administered in Ontario largely by the municipalities, and for a range of programs that provide Canada's social security network.

B2.10 **Employment and Immigration.** This huge ministry has offices in all major cities and provides many services and programs related to immigrants and refugees, labour market adjustment and training, and unemployment insurance. It works with municipal social services departments and with local colleges of applied arts and technology.

B2.11 **Finance.** This ministry is responsible for overall federal taxation and fiscal and economic policy, and specifically provides grants in lieu of property taxes to municipalities for federal properties.

B2.12 **Industry, Science, and Technology** and **External Affairs.** These two ministries provide assistance to local business engaged in exporting, research, and development, and are in regular contact with municipal economic development departments and boards of trade.

B2.13 **Secretary of State** and **Communications.** These two ministries have many programs for local cultural and multicultural activities as well as having legislative responsibility for broadcasting and telecommunications.

B2.14 Other federal ministries with an impact on municipalities include **Environment** (a rising priority in the 1980s and 1990s), **Agriculture, Revenue, National Defence, Justice,** and **Energy, Mines, and Resources.**

Federal agencies with an impact on municipalities

B2.15 There are three types of federal commissions, corporations, and other agencies that have an impact on municipalities: permanent bodies with a national mandate, bodies relating to a specific project or area, and temporary commissions set up to deal with a specific issue. Permanent bodies with a Canada-wide mandate are described in Sections B2.16 to B2.19.

B2.16 **Canada Mortgage and Housing Corporation.** CMHC is the federal body that, since its incorporation in 1946 (as the Central Mortgage and Housing Corporation), has been the most active federal institution in urban affairs. It has an overall mandate to manage federal programs relating to housing. In the past, it was a big lender of mortgage money, a financier of social housing, and a research centre for housing and urban design initiatives. More recently, it has given up most of its operational and mortgage financing role and has concentrated on the provision of financial aid for social housing and on research.

B2.17 **Canadian International Development Agency (CIDA).** Canada's foreign aid agency has recently begun to focus more on projects to assist good urban management and development. It finances the international programs of the Federation of Canadian Municipalities—especially twinning arrangements and staff exchanges involving cities in developing countries.

B2.18 The **National Energy Board (NEB),** the **Canadian Radio-Television and Communications Commission (CRTC),** and the **Canadian Transportation Commission (CTC)** have important regulatory functions that often affect municipalities in the energy, telecommunications, and transportation sectors.

B2.19 The **Canadian Ports Corporation, Canadian National Railways, Canada Post,** and **Petro-Canada** are among the federal crown corporations with operational or commercial functions that have the most impact on municipalities.

B2.20 Among the federal bodies with a local focus that affect municipalities are the individual **Harbour Commissions** and **Airport Authorities**. The most notable example of a federal body with a local focus is the **National Capital Commission,** formerly the Federal District Commission, which is a large landholder in the capital region on both sides of the Ottawa River and runs a systems of parks, driveways, and cultural events with the aim

of making Canadians proud of their national capital. Some of the planning and operational functions of the NCC are municipal in nature and require close collaboration with local authorities.

B2.21 From time to time, the federal government establishes royal commissions or task forces to deal with specific issues that may have a municipal focus. The **Royal Commission on the Future of the Toronto Waterfront**—David Crombie was the sole commissioner—also a provincial royal commission, is an example of this type of body. (The Commission has now finished its work, some of which is being implemented by the **Waterfront Regeneration Trust**, headed by David Crombie.)

B3. Overview of relations with the Ontario government

Historical development from 1849 to 1953

B3.1 Unlike the United States, where municipalities have a degree of "home rule," municipalities in Canada are very much creatures of their provinces. The relative autonomy of municipalities that was created by the *Baldwin Act* in 1849 in what became Ontario began to be undermined in the latter part of the 19th century as the province expanded its overall activities.

B3.2 Many municipalities in Ontario invested heavily and often unwisely in railway expansion at this time. Provincial financial assistance to bail them out was accompanied by provincial standards and supervision, and the creation of provincial bodies to handle what had been local functions.

B3.3 In 1906, the Ontario Municipal and Railway Board was established (to become the Ontario Municipal Board in 1932) and given responsibility to hear assessment appeals, to adjudicate alterations of municipal boundaries, and to approve certain types of by-law.

B3.4 The most severe restriction of municipal autonomy came in the 1930s, as the Depression caused severe financial hardship for many municipalities. The OMRB became the OMB and was given extensive supervisory authority over the borrowing of municipalities. The Department (later Ministry) of Municipal Affairs was created in 1935 to oversee municipal activities and administer the *Municipal Act*.

B3.5 The pressure of urbanization led to many changes in the structure of local government and in provincial-municipal relations in the period after World War Two, especially in the large urban areas. A bewildering number of conditional grants to municipalities were established to ensure adherence to province-wide standards. New provincial and municipal special purpose bodies were established or, as in the case of school boards, strengthened, further undermining the autonomy of municipal councils.

Developments since 1953

B3.6 The first major structural change to municipalities in the post-war period (indeed, the first since 1849) was the creation of Metropolitan Toronto in 1953. It proved to be so successful in managing the planning and infrastructure requirements of the growing Toronto area that it was soon regarded as a model way to manage the pressures of growth both in Canada and in other countries.

B3.7 Following reports on municipal government structures (the *Beckett Report on County Government* and the *Smith Commission on Taxation*) the provincial government decided in 1968 to establish two-tier regional governments in the urban areas of the province. Ottawa-Carleton was the first, soon followed by four new regional municipalities around Metropolitan Toronto—Durham, Halton, Peel, and York—and also the regional governments of Hamilton-Wentworth, Niagara, Waterloo, and Sudbury.

B3.8 These new municipalities tended to become strengthened county governments without new powers from the province and, particularly in what became known as the Greater Toronto Area, without geographic boundaries that corresponded to the growing urban region.

B3.9 In 1970, the provincial government assumed responsibility for assessment for property and business taxes ostensibly so that market value assessments could be prepared expeditiously before possible devolution of more authority to the municipalities. In 1991, the assessment function is still with the province and market value assessment is far from completely implemented.

B3.10 The regional government reform program established in 1968 was linked, through a series of "Design for Development" policy papers, with a strategy for regional economic development and land use planning around the province. The most ambitious of these regional development plans—the

Toronto-Centred Region Plan—was unveiled in 1970. It was to set the framework for urban development, green space protection, and infrastructure investment for the remainder of the century.

B3.11 Political opposition, especially from rural areas, to both the new regional governments and the regional development plans, halted the regional development program and the evolution of regional governments.

B3.12 There have been few major provincial innovations in municipal affairs since 1975. Some county governments have been restructured and a few minor boundary changes have been implemented. Most regional governments have been reviewed and modest reforms have ensued. These have included consolidation of some lower-tier municipalities in Ottawa-Carleton, direct election of Metropolitan Toronto councillors (with a chairman selected from among them), and the election-at-large of the chairman of the Ottawa-Carleton Council (with no direct election of members of the council). Review of the provincial-municipal grant structure and the assessment process in the late 1970s failed to produce major reforms.

B3.13 The boom years of the latter 1980s led to an increased focus on urban issues in Ontario as urban growth pressures exacerbated social, economic, and environmental problems. The **Office for the Greater Toronto Area (OGTA)** was established in 1988 under a deputy minister. Its task was to attempt to obtain consensus among the municipalities of Metropolitan Toronto and the surrounding four regional governments on a long-term planning vision, and on cross-regional issues such as solid waste disposal and commuter transportation.

B3.14 The province became more active in environmental issues during the 1980s and enacted the *Environmental Assessment Act*, the *Environmental Protection Act*, the *Niagara Escarpment Protection Act*, and other pieces of legislation that constrained the ability of municipalities to proceed quickly with new urban developments.

B3.15 The fiscal problems of the federal government in the last five or six years have resulted in the downloading of financial responsibilities to provincial and municipal governments, making it difficult to find the financing necessary for needed infrastructure and other programs to deal with urban pressures.

The current municipal structure in Ontario

B3.16 Ontario has some 830 municipalities, more than a fifth of which are single-tier municipal governments in Northern Ontario, containing less than seven percent of the province's total population. The twelve regional governments, including Metropolitan Toronto, contain more than two thirds of the province's population. Somewhat less than 30 per cent of Ontario's population is contained in the two thirds of municipalities that lie within the counties of Southern Ontario.

B4. Ontario ministries and other agencies whose actions affect municipalities

Ontario ministries affecting municipalities

B4.1 The **Ministry of Municipal Affairs** has the greatest overall impact on municipalities. It has responsibility for municipal government and for all local planning legislation. It provides technical support to municipalities for municipal management, for training, for planning, and for municipal finance activities. It is responsible for the *Municipal Act*, the *Planning Act*, the *Municipal Conflict of Interest Act* and many other pieces of legislation affecting all or single municipalities. It is responsible for changes in municipal boundaries and structures and for unconditional grants to municipalities. Within the provincial government it is charged with assessing the overall impact of provincial actions on municipalities. It is also the prime provincial point of contact with the **Association of Municipalities of Ontario**. Recently an **Ontario Water Services Secretariat** has been established, reporting to the Ministry of Municipal Affairs (see Section B6.10).

B4.2 The **Ministry of Housing**, which until recently shared a minister with the Ministry of Municipal Affairs, is in constant contact with municipalities and local housing authorities. It is responsible for developing strategies to meet the need for affordable housing in the province, for rent review legislation and implementation, for building codes, regulations and inspections, and for direct provision of social housing through the **Ontario Housing Corporation**. Housing issues are a high priority of the current provincial government, which has been encouraging the provision of more social housing through a variety of public, private, and non-profit agencies.

B4.3 The **Ministry of Revenue**, which is the province's tax collector, took on a major municipal function in 1970 when it became responsible for property assessment and the introduction of a market value assessment system. It provides the data base on which municipal property tax is levied, and on which many provincial grants to municipalities are calculated. The ministry is also responsible for the new commercial concentration tax and the land transfer tax, as well as for collection of the province's major taxes such as the retail sales tax, the gasoline tax, and the corporate income tax. It administers several programs that provide assistance to specific groups in the province, such as the *Ontario Pensioners Property Tax Assistance Act*, the *Small Business Development Corporations Act*, and the *Ontario Home Ownership Savings Plan Act*.

B4.4 The **Ministry of Transportation**, in addition to being responsible for the provincial highway system, is heavily involved with municipalities through its programs of financial and technical assistance for municipal roads and transit. It is responsible for policy development for the province's air, marine, and rail programs (**GO Transit** in the Toronto region and the **Ontario Northland Transportation Commission** being prime examples). It regulates drivers and vehicles and vehicle and road safety in the province.

B4.5 The **Ministry of the Environment** has recently been assuming a much more central role in the government of Ontario, a role with great impact on municipal activities. Its overall mandate is to achieve and maintain high standards of environmental quality in the water, air, and lands of Ontario. It is responsible for the **Niagara Escarpment Commission,** the **Ontario Waste Management Corporation,** the **Environmental Appeal** and **Environmental Assessment Boards,** the **Ontario Round Table on the Environment and the Economy,** and the **Advisory Committee for the Municipal-Industrial Strategy for Abatement (MISA)**. The ministry has a large scientific component dealing with environmental research, testing, and standards setting. Its operational component is concerned with sewage and water systems, waste disposal programs, spills, and industrial pollution. Its regulatory functions include environmental assessments, approvals of waste sites, and air and water quality. It also has a promotional and assistance function that often ties in to municipal activities through programs like MISA.

B4.6 The **Office for the Greater Toronto Area**, under a deputy minister, reports to the Minister Responsible for the Greater Toronto Area, who is at present also the Minister of the Environment. It was established to encourage collaboration among the five regional and 30 local municipalities in the Greater Toronto Area on the management of growth, including the

future pattern of development, and on cross-region issues such as waste disposal and commuter transportation.

4.7 The **Ministry of Education** has the responsibility for ensuring that elementary and secondary education in Ontario is provided through local and regional school boards. It is responsible for school curricula, professional support for school boards and teachers, special programs such as those for disadvantaged youth, and legislation such as the *Education Act* that provides a framework for the education system. The Ministry of Education is particularly relevant to municipalities because approximately half of the property tax revenues collected in Ontario go to school boards, and provincial grants to school boards represent almost half of all provincial transfers to local authorities.

B4.8 The **Ministry of Community and Social Services** (often known as **ComSoc**) has a heavy interaction with municipalities due to its responsibilities for income support programs—e.g., family benefits and general welfare assistance—that are delivered by the municipalities. The ministry also has direct responsibility for many community programs involving liaison with municipalities and local agencies such as programs for children, the handicapped, and young offenders, programs providing home care and long-term care institutions for the elderly, and many community programs administered jointly with the Ministry of Health. The ministry is currently working with the municipalities to clarify provincial and municipal responsibilities, following the work done by the **Provincial-Municipal Social Services Review**.

B4.9 The **Ministry of Health** has overall responsibility for health insurance and for the hospital system in the province, as well as for programs in community health and health promotion. These responsibilities involve municipalities through boards of health and district health councils, and also through the links among hospitals, ambulance services, and local social service agencies.

B4.10 The **Ministry of the Solicitor General** is responsible for overseeing law enforcement and safety in the province. The **Ontario Provincial Police** and the **Offices of the Fire Marshal** and the **Chief Coroner** report to it. It maintains the police and fire colleges and has close working relationships with local police and fire departments.

B4.11 The **Ministry of the Attorney-General** is responsible for the direction and supervision of the administration of justice in the province, including the courts system and legal aid. Many administrative tribunals affecting municipal responsibilities report to the Attorney-General, including the

Ontario Municipal Board and the **Office of the Police Complaints Commissioner**.

B4.12 The **Ministry of Government Services** provides a variety of support services to the provincial government and is the manager of all provincial property. It is therefore a major actor in land use and location decisions.

B4.13 The **Ministry of Natural Resources** might seem to be one with the least relevance for urban affairs, but its responsibilities for the conservation authorities system and for provincial parks and much outdoor recreation, as well as its management of the province's lands, waters, fish, and wildlife, cause frequent involvement with municipalities.

B4.14 The **Ministry of Culture and Communications** has many programs of importance to urban life. It supports a number of community, cultural, and historical facilities and institutions. It is responsible for cultural and communications agencies such as the **Ontario Arts Council**, the **Ontario Archives**, **TV Ontario**, the **Ontario Heritage Foundation**, the **Ontario Film Development Corporation**, and the provincial museums and art galleries.

B4.15 The **Ministry of Citizenship** has an advocacy role within government to ensure that all Ontarians participate fully in the community social, cultural, and economic life of the province. It has many special programs concerning the integration of immigrants, multicultural activities, the native community, the disabled, and seniors. It is responsible for the **Ontario Human Rights Commission**, the **Employment Equity Commissioner**, and for advisory councils on multiculturalism, disability issues, and senior citizens.

B4.16 The **Ministry of Northern Development and Mines** is very important to municipalities in Northern Ontario. It stimulates economic and social development in the north, coordinates the policies and programs of government ministries to ensure that the special needs of northerners are addressed, and encourages and regulates the development of the mining industry.

B4.17 The **Ministry of Tourism and Recreation** has programs of support for provincial and municipal agencies in the areas of tourist promotion, recreation, sports, and physical fitness. The agencies reporting to it include various regional parks commissions, local convention centres, the **Ontario Lottery Corporation**, and individual provincial tourist attractions.

B4.18 The **Ministry of Colleges and Universities** is responsible for policies relating to the universities and colleges of the province. It encourages close links between the colleges of applied arts and technology and the communities in which they are situated.

B4.19 The **Ministry of Labour** deals with labour relations, occupational health and safety, and various employment and workplace standards. The **Workers' Compensation Board** and the **Ontario Labour Relations Board** report to it.

B4.20 The **Ministry of Skills Development** has a mission to stimulate and support the training and development of employed workers in Ontario. It deals with a number of local institutions in its training programs.

B4.21 The **Ministry of Agriculture and Food** is essentially devoted to the development of the agriculture and food industry but becomes a major participant in municipal and provincial land use planning with its mandate to preserve the food lands of the province.

B4.22 The **Ministry of Consumer and Commercial Affairs,** as well as being an advocate for the consumer, has a wide range of licensing, regulating, and inspection functions. It operates the land registry system and regulates the travel industry, real estate, motor vehicle dealers, cemeteries, theatres, and charitable institutions. It enforces technical standards for elevators, boilers, and other devices. Among the agencies that report to this ministry are the **Liquor Control Board**, the **Liquor Licence Board**, the **Film Review Board**, and the **Ontario Racing Commission**.

B4.23 The **Ministry of Financial Institutions** is responsible for the regulation and supervision of provincially-incorporated financial institutions operating in Ontario such as trust and insurance companies, mortgage brokers, and credit unions. Through the **Ontario Securities Commission** it regulates the stock market and through the Pension Commission it regulates private pension plans. One of its current major projects is the review of the automobile insurance system in the province.

B4.24 The activities of the **Ministry of Industry, Trade, and Technology** are a high priority of the present government. The ministry's mandate is to expand domestic and international trade, encourage investment opportunities, and assist development of small businesses. It works closely with municipal industrial commissioners and economic departments. Agencies reporting to it include the **Development Corporations**, the **Ontario International Corporation**, and the **Innovation Ontario Corporation**.

B4.25 The **Ministry of Treasury and Economics** has little direct contact with municipalities, but is one of the most important in its impact on them. It deals with the province's overall fiscal, economic, and regional policies, the provincial budget, and the management of the province's finances.

B4.26 As well as the above, there are some central agencies of government—bodies that support the premier and cabinet in the policy direction and management of the government. They include the **Cabinet Office**, the **Management Board**, and the **Ministry of Intergovernmental Affairs**, which has the overall responsibility for the province's relations with the federal government and other provinces.

B4.27 A number of offices dealing with specific issues that cross ministerial lines have been established in recent years to provide overall advice and program coordination. Some deal with municipal counterpart agencies; others with municipalities generally. They include the **Ontario Women's Directorate**, the **Office of Francophone Affairs**, and the **Ontario Native Affairs Secretariat**, as well as the previously mentioned offices for seniors, for youth, for the disabled, and for the Greater Toronto Area.

Quasi-judicial tribunals

B4.28 Municipalities are affected by the actions of numerous administrative tribunals set up by the Ontario government. These are described in Sections B4.29 to B4.33.

B4.29 The **Ontario Municipal Board**, comprising provincially appointed full- and part-time members, exemplifies the lack of autonomy of Ontario municipalities. Its origins lie in the creation of the provincial Municipal Auditor's Office in 189 through the Ontario Municipal and Railway Board in 1906, to the creation of the OMB in 1932. Its main powers have been in the areas of financing and planning, and have been changed across the years. The OMB must give approval to financial obligations, such as borrowing and leases, extending beyond the life of a council (some say beyond the current fiscal year in certain cases). Most of the OMB's time is spent on planning matters. The Board approves decisions of municipal councils regarding planning and zoning matters that have been appealed by an interested party or have been referred to the Board by the Minister of Municipal Affairs.

B4.30 The **Assessment Review Board** was established in 1982 to permit ratepayers of large and small properties to appeal the assessments estab-

lished for the properties by the Ministry of Revenue. Its actions can have a profound effect on municipal revenues.

B4.31 A hearing before the **Environmental Assessment Board** can be part of the process of securing approval for a project that requires an environmental assessment. All projects of municipalities worth more than a few million dollars require an environmental assessment.

B4.32 The **Social Assistance Review Board** hears appeals from affected parties about decisions taken by municipal social assistance officials.

B4.33 Many other provincial administrative tribunals are concerned with activities that have a bearing on municipal operations. They include the **Ontario Energy Board**, the **Liquor Licence Board of Ontario**, and the **Commercial Registration Appeal Tribunal**.

Operating agencies and commissions

B4.34 **Ontario Hydro** was formed by municipal electrical utilities in 1906 to bring them hydro-electrically generated power from Niagara Falls. It is among the largest generating and transmission systems in the world, supplying the province through the 314 municipal utilities, which it now regulates. Electric power is also supplied directly to several large industrial users. In spite of the name, only a quarter of the power is now generated hydro-electrically; more than half comes from nuclear plants, and the remainder from plants fueled by coal, oil or natural gas.

B4.35 The **Ontario Waste Management Corporation** was established in the 1980s to develop disposal systems and sites for hazardous waste, including liquid waste.

B4.36 The **Interim Waste Authority** was established as a provincially owned business corporation in 1991, and given statutory authority in 1992, to search for and install waste disposal sites for the Greater Toronto Area.

B4.37 **GO Transit** (GO stands for Government of Ontario) operates commuter rail and bus services in and near the Greater Toronto Area.

B4.38 The **Liquor Control Board of Ontario** controls the production, importation, distribution, and sale of alcoholic beverages in the province.

B5. Quick overview of some current provincial-municipal issues

Planning

B5.1 In the Spring of 1991, the Ontario government established the Commission on Planning and Development Reform in Ontario (also known as the Sewell Commission after its chairman, John Sewell) to review the planning process and its relationship to development, particularly in urbanizing areas. Among the many controversial issues being considered by the Commission are the relationship between the planning process and the environmental assessment process, the number of steps and potential delays in the planning approval and appeals process, and the adequacy of the *Planning Act* to deal with emerging urban priorities.

Disentanglement of functions and finances

B5.2 In late 1991, the provincial government established a Cabinet committee and the **Provincial-Local Relations Secretariat** to review overlapping provincial and municipal programs and responsibilities in an attempt to promote greater simplicity and accountability. They are considering studies such as the **Provincial-Municipal Social Services Review** and the **Hopcroft Report** of the Association of Municipalities of Ontario. These studies recommended that the provincial government assume more complete responsibility for financing income-security programs and education, and that the municipalities take over more complete responsibility for social services to individuals and the provision of the basic local infrastructure.

B5.3 The disentanglement exercise requires a review of the existing provincial-municipal financial framework. Ontario now has the most complex provincial-municipal grants structure in Canada (and perhaps anywhere?). It requires simplification. Many other financial issues are being discussed by the provincial government's **Fair Tax Commission**, which is reviewing the provincial and municipal tax structure and its various impacts.

Maintaining economic activity

B5.4 The aftermath of the recession and fiscal difficulties at all levels of government and in most sectors of the economy are giving rise to the need

for greater provincial-municipal collaboration to maintain economic activity and competitiveness, especially in single-industry communities.

Environmental concerns

B5.5 Many severe environmental matters are becoming issues of provincial-municipal concern: waste reduction and waste disposal, reduction of dependence on the automobile and automobile emissions, upgrading and financing of water and sewer systems, and many others.

Social problems in the larger cities

B5.6 Many cities in the province have begun to experience social problems, partly arising from the recession, that require provincial-municipal collaboration: drugs, increased crime, homelessness, and family breakdown.

Over-government

B5.7 A sense among many Canadians that they are over-governed may lead to new initiatives towards simplification of governmental structures and reduction of overlap. These sentiments seem particularly strong in the national capital and in the Greater Toronto Area.

Concluding comment

B5.8 The provincial-municipal relationship is the most important determinant of the scope of actions by municipalities. Different issues take centre stage at different times in this relationship. The above issues are some that are likely to be prominent during 1991 to 1994. At a time when many institutions, governmental and otherwise, are accepting the slogan "think globally, act locally," and when Canada's entire governmental structure is in question, the role of municipalities may well become more important.

B6. Issues in the financing of municipal activities

Overview

B6.1 Financing issues have always dominated the municipal complaint list. Property taxes are highly visible, are billed as a lump sum, and have to be raised regularly. Moreover, the ultimate penalty for non-payment, disposal of the property for recovery of arrears, makes payment of them essentially unavoidable. (On the other hand, from a tax-collection perspective, it should be noted that the proceeds of property taxes are relatively predictable—i.e., not subject to large changes in general economic activity from year to year like sales and income taxes—and they are relatively inexpensive to collect compared with most other taxes.)

B6.2 At a time of fiscal constraint at the federal and municipal levels, the rate of growth in grants is likely to be cut, and some expenditure responsibilities may be "downloaded" on municipalities. In the past, when municipalities have run into difficulties because property tax revenues have not been sufficiently buoyant to meet new expenditure pressures, municipalities have complained loudly to the provincial government or have even asked for federal aid for municipal infrastructure. The response has often been a greater provincial role in direct service delivery and in funding local provision of services through conditional transfers. Both of these responses have been at the expense of municipal autonomy and accountability. There are signs that the provincial government may be ready to halt this trend. The government has set in motion a "disentanglement" exercise, supervised by a high-level secretariat.

B6.3 Theoretically, if provinces use a system of fair market value based on periodic assessments to establish assessed values, the property tax will have an equitable and growing base. Ontario has been slow to move to market value assessment. Although the province took over the administration of the assessment system in 1970, municipalities still make the political decision as to whether and when they move to a market-based system. Many municipalities still have assessments based on out-of-date values. The real estate boom of the late 1980s threw the assessment system even more off course. Municipalities have been reluctant to move to market value if it would mean sharp rises in property taxes for some ratepayers with no relation to their ability to pay. When assessments are out of date, it usually means that people with newer homes are paying more property tax than people with older houses of a similar market value.

B6.4 Many municipalities have used Section 63 of the *Assessment Act* to bring greater equity in assessments *within* municipalities, but this has not solved the problems of inequities in assessed property values *between* municipalities and between classes of property. Thus, it has been difficult for the provincial government to base its equalization grants on differences in assessed values as the measure of the differences in wealth and fiscal capacity among municipalities.

B6.5 The provincial government's objective has been to move to the elusive system of market value assessment across the province (although this objective is being questioned by the **Fair Tax Commission** established by the present government). Some large difficulties still stand in its way. In Metropolitan Toronto, for example, a switch to market value assessment would result in higher relative assessments for the older buildings in and near the City of Toronto and lower relative assessments in the newer parts of Metropolitan Toronto. The City of Toronto Council has therefore opposed any move to market value assessment. It even held a plebiscite as part of the 1991 municipal election that resulted, understandably, in a 75 per cent rejection of a move to market values.

B6.6 The Metropolitan Toronto Council has proposed an interim plan that would delay increases (but not decreases) in relative assessments of certain residential properties until the property is sold or until 1998, whichever is earlier. The shortfall in revenue arising from implementing residential decreases before residential increases would be met by deferring some decreases due in respect of commercial buildings. It may take this kind of compromise to break the impasse. In the meantime, disparities between real and assessed values have been growing. Also, skilled tax lawyers can readily take advantage of the present chaotic rules to secure reductions in assessments on new buildings, particularly large office buildings.

Supplementation and replacement of the property tax

B6.7 Municipalities have always been searching for new sources of revenue to reduce their reliance on the property tax. The most common type of additional revenue has come from new forms of user charge. There is a strong case for user charges when only specific groups benefit from a particular service. Some form of efficient rationing can sometimes be encouraged by the wise use of such charges. They can also be used to further social, environmental or economic objectives while bringing new revenue to a municipality. They can, however, have negative distributional

effects. If, for example, a recreational facility is provided for people of low incomes, a user charge may result in its not being used by the people it is meant to serve. Specific taxes as well as user charges can be applied to services like water, waste disposal, and parking to encourage conservation. Provincial agreement would be required for more innovative forms of municipal taxes or charges to reduce energy consumption, to encourage more intense development or to discourage development of agricultural areas.

B6.8 Other suggestions for supplementing or replacing the property tax include the use of promissory notes, joint public-private sector ventures, and possible municipal income taxes, payroll taxes, environmental taxes, and consumption taxes.

Trends in funding by the Ontario government

B6.9 In recent years, the Ontario government has added to the number of conditional transfers to municipalities, in spite of reports recommending a simplification of the system. In contrast, the unconditional proportion of provincial transfers has declined to about 20 per cent of total transfers. The previous provincial government let municipalities know it believed there was still room for property tax revenues to increase relative to income and sales taxes. The Fair Tax Commission set up by the current government is examining the impact of the current provincial and municipal tax system and may recommend new sources of revenue for municipalities.

B6.10 Similarly, the provincial government and the municipalities have begun to review the potential for new ways of financing municipal infrastructure, including the possible establishment of a water and sewer services corporation and some private sector involvement in financing rapid transit. The Association of Municipalities of Ontario has proposed, and the provincial government has accepted, that a task force be set up on innovative methods of financing municipalities. The provincial-municipal disentanglement exercise may result in changes to the ways local services are delivered and financed; some programs may be completely assumed by the provincial government and others may be completely assumed by municipalities. Such changes could result in increases in accountability at all levels, but also in widening disparities in the levels and types of service provided by different municipalities across the province.

How much debt should municipalities assume?

B6.11 A particular bone of contention between municipalities and the previous provincial government was the extent to which municipalities were reducing their debt burdens while that of the Ontario government was increasing. (The present provincial government has not raised this matter so pointedly.) Exhibit 9 presents data comparing Metropolitan Toronto—a major user of debentures—with the provincial and federal governments.

B6.12 The table shows that municipal and school board debt in Metropolitan Toronto has declined even in absolute terms in the last 20 years and dramatically in terms of the impacts on taxes, while provincial and federal debts have grown both absolutely and as a burden on taxes. Data for the rest of the province show trends similar to those for Metropolitan Toronto: for example, the total debt of Ontario municipalities in 1982 was $3.2 billion; in 1987 it was $3.0 billion (both totals in dollars of the day).

Exhibit 9: Debt, debt per capita, and debt charges: Metropolitan Toronto, Ontario, and Canada, 1970 and 1990

	Metro (including area municipalities and school boards)		Ontario		Canada	
	1970	1990	1970	1990	1970	1990
Debt outstanding (actual$ millions)	1,425	1,329	5,802	42,262	39,007	435,332
Debt outstanding (1990$ millions)	5,493	1,329	22,365	42,262	150,366	435,332
Debt per capita (actual$)	711	622	755	4,338	1,812	16,171
Debt per capita (1990$)	2,741	622	2,910	4,338	6,985	16,171
Debt charges as a % of revenues	17.8	3.0	5.1	9.9	12.6	35.6

B6.13 The previous provincial government's argument was that local government has much scope to increase its debt retirement charges, perhaps to near the Ontario Municipal Board's limit of 20 per cent of revenues. Thus local government could bear more responsibility for the funding of capital works such as main sewers and transit.

B6.14 The municipal response to this argument is that municipal finances are very precarious. They depend on a source of taxation that, unlike provincial income taxes and sales taxes, grows little with inflation and interest rates. Thus, carrying large amounts of debt is not prudent. The solution, some municipalities say, is to give them a broader tax base; then they will take the responsibility for more debt.

Trends in municipal financing in other provinces

B6.15 Individual provincial governments have used many approaches to dealing with the financial plight of local government and the desire to reduce reliance on property-related taxes. Several provincial governments have taken over almost complete financial responsibility for education and social services. This was done in the 1960s in New Brunswick and has almost always been the case in Prince Edward Island and Newfoundland.

B6.16 In a series of major shifts in Quebec in the last decade or two, the provincial government has done much the same as in New Brunswick and has recently abolished numerous grants to municipalities for roads and transit. In return, the provincial government has offered municipalities a share of fuel taxes and the option to levy taxes on parking. This most recent "disentanglement," which has sharply reduced the number of conditional grants in Quebec, was entered into partly because of provincial financial difficulties and partly in response to recommendations in a study done for the Union of Quebec Municipalities in 1986 by Jacques Parizeau, now leader of the Parti Québecois.

B6.17 Other provincial governments, in addition to having fewer conditional grant programs than Ontario, have broadened the revenue sources available to municipalities. Thus, beginning in 1976, Manitoba began transferring one per cent of its corporate income tax revenues and 2.2 per cent of its personal income tax revenues to municipalities. British Columbia has done much the same. Municipalities in Quebec, Manitoba, and Saskatchewan have been allowed to levy an amusement tax. Nova Scotia municipalities are allowed to levy a land transfer tax. Municipalities

in the Greater Vancouver Regional District may levy municipal gasoline taxes to finance urban transportation.

B6.18 The financial difficulties that most provincial governments find themselves in makes it unlikely that there will be major increases in provincial transfers to municipalities in any part of Canada in the near future. On the other hand, most provinces have gone much further than Ontario in disentangling provincial and municipal responsibilities, maintaining simpler grants structures and providing municipalities either a share of certain provincial revenues or the possibility of levying new types of taxes.

Trends in other countries

B6.19 Different types and qualities of relationships between municipalities and other levels of government in other countries make comparisons with Canada difficult. In the United States, one big difference has been in the number of federal grants paid directly to municipalities or to local organizations, by-passing the states, which are relatively less powerful than Canadian provinces (although originally the U.S. states were intended to be strong and the Canadian provinces weak—in relation to their respective federal governments). In Britain, the highly centralized national government recently abolished the upper-tier metropolitan governments in England and is about to abolish the regions in Scotland. It has assumed responsibility for financing many of their responsibilities, moved to privatize some local services, and capped local government expenditures.

B6.20 Several European countries have recently established councils or other regional authorities that are financed by both local and national taxes. Municipally-levied payroll, turnover, sales, and income taxes are common.

B6.21 There may be a correlation between the economic productivity of a country and the extent to which it has strong local government. Of particular note is Germany, which appears to be governed according to three principles: (1) most functions of government are carried out by the regional governments (or counties) and the local municipalities, within the framework of general laws of the national or state governments, (2) the funds needed to carry out a function must usually be raised by the level of government responsible for the function, and (3) each level of government is given the powers required to secure the necessary funds. As a consequence, the typical German city has revenues and responsibilities that are three or four times greater than its Canadian counterparts.

B6.22 In the Netherlands, by contrast, services tend to be delivered locally but most funds are raised centrally and distributed as needed to local governments—to ensure sensitive delivery of services while avoiding undue burden on areas with little capacity to generate tax revenues.

C. Powers, Roles, and Responsibilities of Municipal Councils

C1. What councils may do

They may do only what provincial legislation says they can do

C1.1 The first essential truth about the powers of municipalities in Ontario (and elsewhere in Canada) is that they may do only what provincial legislation says they can do. What may be done is set out in great detail in various provincial statutes, chiefly the *Municipal Act,* but also the *Planning Act,* the various regional acts such as the *Regional Municipality of Ottawa-Carleton Act,* and many others. (The terms "statute" and "act" mean the same thing—a law passed by an autonomous legislature.)

C1.2 Copies of these acts are available from the Ontario Government Bookstore, 880 Bay Street, Toronto M7A 1N8, tel. 800-668-9938 (326-5300 in Toronto).

C1.3 A useful document—available from the Ontario Government Bookstore—is the *Municipal Councillor's Manual,* produced by the Ministry of Municipal Affairs and last issued in January 1992. The *Manual* lists other useful publications of the Ministry of Municipal Affairs.

Types of statutes

C1.4 The statutes that limit what councillors may do, and sometimes set out what they should do, fall into two basic types: **public statutes**, which are introduced by the provincial government as part of its legislative program, and **private statutes**, which are originated by a municipality. Each kind of statute also has two types.

C1.5 Public statutes may be general, in which case they apply across Ontario; an example is the *Municipal Act.* They may be specific to one part of Ontario; an example is the *Municipality of Metropolitan Toronto Act,* which applies only within the boundaries of Metropolitan Toronto (except for the unique authority to expropriate land for certain purposes elsewhere in Ontario), but has provisions that affect the conduct of the local municipalities as well as that of the public at large.

C1.6 Private statutes may merely concern the internal workings of a municipality or its relations to a particular institution; an example would be one that allowed the consolidation of certain debts of the municipality. Private statutes may also be like public statutes and regulate the behaviour of the public at large within the particular municipality; an example is the City of Toronto's legislation to prohibit smoking in workplaces.

C1.7 A private statute of a municipality is generally known by the name of the municipality, e.g., the *City of Ottawa Act, 1991 (No. 1)*. It is initiated by a request from the council. After a complex process involving review by several Ontario government departments and agencies, and a public hearing by the legislature's Standing Committee on Regulations and Private Bills, the request may be approved by the legislature—usually in an amended form. (A "bill" is a statute before it is passed by the legislature; it is also the word for a draft by-law.)

C1.8 Private legislation allows municipalities to have different powers. For example, the City of Windsor may attach conditions to the business licences it issues through a provision in the *City of Windsor Act;* the Municipality of Metropolitan Toronto may not. The City of Toronto may prohibit street vending in certain parts of the municipality, as opposed to throughout the municipality; other local councils in the Toronto area may not.

C1.9 Public legislation (of the second type) also gives municipalities different powers and arrangements. For example, members of the Ottawa-Carleton Council are not elected directly to the Council, except the chairman, who is now elected at large—as provided in the *Regional Municipality of Ottawa-Carleton Act.* Except for the six mayors, who serve *ex officio,* members are elected directly to the Metropolitan Toronto Council, but the chairman is selected by the Council from among the elected members—as set out in the *Municipality of Metropolitan Toronto Act.*

More and more control

C1.10 Municipalities are also subject to provincial **regulations**, which are detailed requirements made pursuant to particular statutes by the Cabinet, a minister, another official or an agency such as the Ontario Municipal Board—whoever may be authorized by a particular statute. An example of a regulation is one made by the Minister of Municipal Affairs under the *Planning Act* in 1983 that gave regional and certain other municipalities in Ontario the authority to approve plans of subdivision.

C1.11 Last, but not least, there is **case law**—interpretations by judges of statutes—which may have a profound bearing on what a municipality may do. An example is a decision by a judge in 1938 that defined the limits of the "health, safety, morality and welfare" section of the *Municipal Act* discussed below. The judge stopped the City of Kingston allowing gaming machines that were in contravention of the *Criminal Code*. Another example of case law is the 1991 decision that local municipalities in Metropolitan Toronto may take 10 days to remit to Metro the taxes collected for Metro and for the school boards.

The "health, safety, morality and welfare" section

C1.12 There is one small section in the *Municipal Act* that allows municipalities to escape from this legal straitjacket. It is Section 104, which allows councils to "pass such by-laws and make such regulations for the health, safety, morality and welfare of inhabitants of the municipality in matters not specifically provided for by this Act as may be deemed expedient and are not contrary to law."

C1.13 In 1977, the City of Toronto used this section (against the advice of its lawyer) to pass a by-law restricting smoking in certain public places. The law was challenged in court and struck down, but only because it required undue delegation of responsibility to managers of privately owned public spaces. The judge upheld the use of Section 104 partly because there was no relevant federal or provincial legislation.

Municipalities as corporations

C1.14 Legally, municipalities are **corporations** of the inhabitants of an area—hence such terms as "The Corporation of the City of Ottawa." As such, they may sue and be sued; officials and employees are generally not personally liable. However, municipal corporations do not have the powers of a person; they have only the powers given to them by provincial statutes and, unlike business corporations, cannot do everything an ordinary individual can do.

C1.15 One view of municipal councils is that they are (or should be) more akin to the boards of directors of large corporations than to legislatures. According to this view, municipal corporations provide packages of services on a non-profit basis for which their customers—who are also

their members and shareholders—pay an annual fee set according to poorly understood rules relating to the use of property.

C2. How councils act

By-laws and resolutions

C2.1 The second essential truth about municipalities is that councils may act in significant ways only by passing a **by-law.** A by-law is a subsidiary law, i.e., a law passed by a subsidiary body. (In the United States, municipal by-laws are known as ordinances.) A by-law may be passed only at a properly constituted meeting of a council, i.e., the meeting must have been properly called (according to the requirements of the council's procedural by-law—see Section C2.5 below) and there must be a quorum of members. A **quorum** is a majority of the full council membership. Vacant seats must be included in determining what is the full council membership, but not members who have declared a conflict of interest on the matter under discussion. There can be **regular meetings** and **special meetings** of a council, with different rules for each kind of meeting—again according to the council's procedural by-law.

C2.2 There may be special requirements (such as public notice by advertising) before certain by-laws are passed, and certain procedural requirements must always be met.

C2.3 The custom is often to give by-laws three readings, with a vote of two thirds of the council present being required if all three readings are given at the same meeting. A council's procedural by-law may however provide for a shorter process and no special majority.

C2.4 A council may also act by **resolution,** which may be appropriate when an opinion is being expressed by the council (on capital punishment, for example) or when small details of administration are being dealt with. However, because a resolution is much more easily invalidated by the courts than a by-law, a common practice is to pass a **confirming by-law** at the end of a meeting. The confirming by-law gives each resolution passed during the meeting the status of a by-law.

C2.5 A special kind of by-law, known as a procedural by-law, regulates the actions of an individual council—at council and committee meetings and often in many other ways. One feature of many procedural by-laws is a set

of special rules for changing the procedural by-law that can help avoid surprises for absent members. Another common feature is a provision that allows the procedural by-law to be waived under certain conditions so that action can be taken in an emergency.

Delegation

C2.6 Only a council sitting in full session at a regular meeting, or at a special meeting called for the purpose, can make legislative or discretionary decisions; such decision-making cannot be delegated to committees of council (even to a committee of the whole of council) or to other bodies. There is one important exception: decisions about minor amendments to zoning by-laws (known as minor variances) can be delegated to a committee of adjustment appointed by the council.

C2.7 However, administrative matters, even quite important ones, can be delegated to committees or to employees of the council. The advice of the corporate solicitor is usually critical in determining whether a particular matter is merely administrative.

Hearings

C2.8 Numerous statutes, as well as the common law doctrines of "natural justice" and "fairness," give interested parties the right to be heard on certain matters being or to be considered by a council. Notable in this respect are the *Planning Act* and the *Development Charges Act*. Hearings may by be delegated to a committee of the council if an appropriate by-law is passed first.

C2.9 When a council or one of its committees conducts a hearing required by law, its procedures may be regulated by the *Statutory Powers Procedures Act*, which supersedes the council's procedural by-law. It permits, for example, questioning of one deputant by another, which procedural by-laws rarely permit. Hearings on other matters are regulated only by the council's procedural by-law or other rules the council may have.

C2.10 The question sometimes arises as to whether to hear the public on an issue. Experience suggests that, however disruptive and time-consuming a hearing might be, the comments of the interested public are often productive and the consequences of denying a hearing are usually counter-productive.

Freedom of information and the protection of privacy

C2.11 The *Municipal Freedom of Information Act, 1989* contains provisions designed to allow access to all municipal records by the public and to protect the privacy of those who have supplied information to a municipality. The *Act* also requires the municipality to make known to the public records revealing grave environmental health or safety hazards. Whether or not the *Act* will produce greater freedom of information (on account or the access provisions) or less (on account of the privacy provisions) remains to be seen. What is clear is that the administrative burden upon municipalities that comply with the *Act* is large. The penalty for each conviction for non-compliance is $5,000.

In camera (private) meetings

C2.12 Another essential feature of municipal decision-making is that it must all be done in public. Regular meetings of a council, except regular meetings of the whole council sitting as a committee (i.e., the **committee of the whole**), must be entirely in public. Legally, council may have special meetings—called for a particular purpose—in private, but since no proper business can be done, the practice is to organize private meetings of the whole council as meetings of the council's committee of the whole.

C2.13 There is general acceptance that certain items should be discussed fully only in private. These include matters involving the problems of particular employees, particular legal matters for which premature disclosure of a municipality's position could jeopardize success in ongoing or proposed litigation, and matters involving real estate transactions where disclosure of strategy could reduce the value of municipal land or increase the value of land the municipality might purchase.

C2.14 Matters may only be *discussed* during private meetings, not acted on. Decisions must be made by the council acting in a properly constituted full open session.

C2.15 Few things bring more criticism upon municipal councillors—by the media and the public—than the practice of holding meetings in private. (There does not seem to be the same level of concern about decision-making in private by federal and provincial governments.) There is a strong temptation among councillors to "hammer things out behind closed

doors" so that the public will not know all the positions that are being taken or how the compromises are worked out.

C2.16 The case of the City of Toronto's budget preparation process is instructive. Until 1973, the process was entirely private. There was frequent criticism that important decisions were being made without proper scrutiny. The media, and to a lesser extent, the public, clamoured for access to the meetings between the member of council in charge of preparing the budget and various department heads. The process was thrown open in 1973. Since then, any reporter or other citizen can see department heads defending their budget submissions, weakly or strongly, before what is now a panel of three members of the council. Nobody is interested. The concern was more with the fact that the meetings were in private than with the content of what was being discussed.

C2.17 Other matters to do with meetings are discussed in Section D, where the powers, roles, and responsibilities of individual members of councils are discussed.

C3. Challenges to municipal decisions

C3.1 Decisions of councils with respect to official plans and zoning by-laws, if appealed, and the entering into of obligations beyond the current term of a council are all subject to **administrative review** by the Ontario Municipal Board.

C3.2 Other by-laws are subject to **judicial review** by the Supreme Court of Ontario upon application by a resident of the municipality or another interested party. A by-law cannot be struck down just because a court thinks the council was unwise in enacting it. The court must limit itself to consideration of the legality of the by-law. Was the municipality acting within its statutory powers? Was the by-law passed in good faith? Is it in the public interest (as determined by the council, not by the court)?

C3.3 By-laws must also be reasonable and impartial. Challenges on these grounds are now more likely to be made under the *Canadian Charter of Rights and Freedoms.*

C3.4 Councils may also be challenged for not acting or for negligence. These challenges take the form of civil actions for damages.

C3.5 In some cases, ministers of the Ontario government or their delegates have the power to approve certain actions of municipalities. For example, the Minister of Municipal Affairs or a delegate approves official plans that are not referred to the Ontario Municipal Board. In the case of the official plans of local municipalities within a regional municipality, the minister may delegate authority to approve to the regional council.

C3.6 Ministers or their delegates may also require that municipalities do certain things. An example is the emergency power of the Minister of the Environment found in the **Environmental Protection Act,** which was used in the summer of 1991 to order the Region of Peel to expand the capacity of the Britannia Road landfill site beyond what had been previously authorized.

C3.7 A question that sometimes arises is whether statements by cabinet ministers or cabinet announcements have or should have any effect upon municipal actions. When a statement is a clear announcement of proposed policy or legislative change that could have an effect in the future on present municipal policies or decisions, a council would be wise to heed the statement. However, ministers and other provincial officials have been known to speak off-the-cuff, expressing personal opinions, and to interpret legislation incorrectly. Councillors might note that, except where explicitly provided for in law, the spoken or written words of a minister have no binding effect simply because they come from a minister.

C4. Enforcement of the decisions of councils

C4.1 Strange as it may seem, most municipal by-laws have no provisions for their enforcement. The assumption might have been that the by-law will be enforced by aggrieved citizens, and that the council has done its job by providing the tool whereby they can take offenders to court. Alternatively, the expectation might have been that complaints will be responded to by the police—who are required to enforce municipal by-laws.

C4.2 However, with the significant exception of by-laws regulating the parking of automobiles, the police generally consider their other responsibilities to be more important than enforcing municipal by-laws. Why, they might say, should they send officers to investigate a possible breach of a municipal noise by-law when the officers could be out there catching drug dealers?

C4.3 If a council is serious about enforcing a by-law designed to regulate the behaviour of the public, the council can hire enforcement officers. This is an expensive business, even when the enforcement officers are charged with responding to complaints only. If enforcement officers are required to look for infractions, the costs can be very high indeed. The inspection of restaurants by officials of public health departments is an example of active enforcement of the law.

C4.4 The maximum penalty for violation of a municipal by-law is $5,000 unless a provincial statute sets out a different penalty. The question of who receives the revenue from fines is discussed in Section E below.

C4.5 Older municipalities may have hundreds of forgotten by-laws on their books. An occasional house-keeping exercise to repeal unnecessary legislation is desirable, even if only to avoid jokes about the irrelevance of municipal laws. By-laws still in force in the City of Toronto prohibit the carrying of political banners, the deliberate mating of horses on streets, and the burial of the dead in land not used for that purpose in January 1890 unless permission has been given by the mayor or the Board of Health.

C5. Councils as employers

C5.1 Among the most important roles of a municipal council in Ontario is that of employer, often of hundreds and sometimes thousands or even tens of thousands of employees. This role becomes more complex by the year as employer-employee relations in Ontario become more regulated.

C5.2 The following extremely brief survey of this complex matter is divided into four parts: working in a unionized environment; employee standards and personnel practices; workplace health and safety; and equity in the workplace.

Working in a unionized environment

C5.3 The *Labour Relations Act* regulates the relations between unions and employers in Ontario. In particular, it sets the rules for how collective agreements (contracts) are negotiated, and governs such matters as strikes, lock-outs, and grievance arbitration.

C5.4 A collective agreement is a binding contract negotiated between a union (on behalf of its members) and management. By joining a union, employees forego their rights to deal individually with management on matters covered by a collective agreement.

C5.5 Usually a collective agreement is negotiated initially between representatives of the union and professional staff of the municipality. The representatives of management may act according to strategy set by the council or by a committee of the council, who may stay in as much as daily touch with the negotiators. At the final stages of negotiations, the head of council and even other members of the council may become directly involved.

C5.6 Municipalities may bargain jointly with union locals that represent employees of more than one municipality. Then the direction of the negotiations by the councils can become complex. Often municipalities have some workers covered by one collective agreement and other workers covered by another agreement. Each agreement is a quite separate contract.

C5.7 A tricky question can be who is in and who is not in a union. Employees hired as managers are usually not members of a union, but they sometimes are and there can also be non-managers who are not. Each organization is different.

C5.8 Collective agreements usually cover most aspects of the employer-employee relationship, including hiring, firing, and lay-offs. Any matter covered in an agreement is subject to grievance, the procedures for the handling of which are set out in the agreement. In every case, the ultimate stage is binding arbitration according to the requirements of the *Labour Relations Act*, arbitration that often throws out management decisions. There can be no hiring, firing, disciplinary actions or lay-offs other than according to procedures set out in the agreement.

C5.9 The basic relationship between employers and employees as defined in Ontario is set out in the *Employment Standards Act*, discussed further below. Collective agreements generally provide for better than the minimum standards set out in the *Act;* they must not provide for less.

C5.10 A fundamental matter set out in the *Labour Relations Act* is that strikes and lock-outs are illegal while a contract is in place. The *Act* prescribes how strikes may occur when there is no contract.

Employment standards and personnel practices

C5.11 The *Employment Standards Act* sets out minimum terms of employment for all employees in Ontario. It regulates such matters as the minimum wage, the hours of work, breaks, lay-offs, severance pay, and maternity leave.

C5.12 Municipalities may have personnel by-laws that prescribe better terms than those in the *Employment Standards Act* and deal with matters not covered in the *Act*.

Workplace health and safety

C5.13 The *Workers Compensation Act* provides for the payment of benefits by employers to injured workers. Municipalities usually come under Schedule 2 of the Act, which means in effect that each municipality must bear the whole cost of such benefits paid to its employees. The schedule of benefits and the actual payment of them is administered by the **Workers Compensation Board,** using funds provided by the municipality.

C5.14 A new requirement is that injured workers must be given an opportunity to return to work as soon as possible. Thus workplace rehabilitation is a growing issue and cost for municipalities in Ontario.

C5.15 The *Occupational Health and Safety Act* Act sets out the responsibilities of employees, management, and organizations to maintain health and safety in the workplace. Since the beginning of 1991, heads of councils may be held personally responsible for taking all reasonable care to ensure that the corporation complies with the *Act* and its regulations, and it is possible that individual councillors could be considered to have liability as well.

C5.16 An important feature of the *Occupational Health and Safety Act* is that it gives most employees the right to refuse unsafe work—firefighters and police officers are exceptions.

Equity in the workplace

C5.17 The *Ontario Human Rights Code* prohibits discrimination by municipalities on the grounds of race, sex, and other differences among

people *both in their employment practices and in the delivery of their services.*

C5.18 Systemic discrimination is also forbidden. This is discrimination that appears to be neutral but has the effect of discriminating against certain groups of people. The requirement to wear certain headdress, for example, can appear neutral but may in practice discriminate against Sikhs. However, a municipality may set bona fide occupational requirements—such as meeting strength requirements for firefighters.

C5.19 Provincial legislation requires pay equity in the workplace, which generally means that equal pay must be given for work of equal value. The requirement upon employers is to evaluate payment for all positions according to certain principles of pay equity and make whatever adjustments are required to achieve pay equity. Downward adjustments to male-dominated jobs are prohibited by law. Where unions exist in the work force the employers are required to negotiate a process to achieve pay equity with their unions.

C5.20 Legislation requiring employment equity is likely to be enacted during 1992. The general principle will be that the workplace must reflect the community in which it is located. Municipalities will be required to review the composition of their work forces and develop goals to meet the objectives of employment equity and a timetable for achieving them.

C5.21 Employment equity is about the composition of the work force; pay equity is about its compensation.

C6. Appointments by councils to agencies, boards, commissions, and other bodies

Types of appointment

C6.1 Another most important role of a council is to appoint people to certain governing and advisory positions, paid and unpaid. These appointments fall mostly into three categories.

C6.2 Some appointments are provided for in provincial statutes. An example is the appointment of certain members of Police Services Boards and municipal transit commissions by regional councils, and the appointment

of members of local hydro-electric commissions by local councils (where the commissions are not elected).

C6.3 Some appointments are required by the municipal by-laws that establish the agencies, boards or commissions. The members of the governing boards of Business Improvement Areas, for example, are appointed by the respective local municipal councils.

C6.4 Some appointments are made at the request of an outside body. A hospital, for example, may wish to have a member of council on its board to secure closer links with the municipality and may even provide for such an appointment in its by-laws.

Appointment of council members to positions

C6.5 Different considerations and procedures usually apply according to whether the appointee is to be a member of the council or another person.

C6.6 Often a council has discretion as to whether a particular appointment should be of a member of council or of some other person. Sometimes a statute or by-law (or even an invitation by an outside body) requires that a member of council is to be selected.

C6.7 Where a council has discretion, the matter is often decided according to whether there is sufficient interest among the members of the council, in view of numerous conflicting claims upon the councillors' time.

C6.8 Competition for some appointments is fierce. Many councils establish what is known as a **striking committee** to sort out who shall be a member of what (including the standing and other committees of the council), but such a committee may do little to reduce the competition.

C6.9 Whatever the formal process for nomination of council members as candidates for positions, the matter must be decided during a council meeting by a show of hands or, more usually when there are many candidates, by a written open (i.e., not secret) ballot.

Appointment of persons other than councillors to positions

C6.10 Most appointments by a council to positions under its control are what are sometimes called "citizen appointments," i.e., persons other than councillors are appointed. In some municipalities this is done without a formal nomination process. More common now is a process of media

announcements followed by orientation seminars, short-listing, and interviews—with the whole process managed by a **nominating committee** of council.

Who are appointees accountable to?

C6.11 An extremely difficult question to resolve is whether an appointee, councillor or non-councillor, has a primary duty to serve the interests of the council or the interests of bodies to which the appointment is made when the two appear to be in conflict. One legal opinion is that when acting as a member of the body—for example, a municipally appointed Harbour Commissioner attending a meeting of the Commission—an appointee has a duty to act in the best interests of the body to which the appointment is made. But political and some legal considerations suggest that both allegiances should be considered and that if no compromise can be reached the allegiance to the policy position or direction of the municipal council should prevail.

C6.12 Related to this matter is the question of whether a council can summon and hold to account an appointee who, in the opinion of council, is not acting in the interests of the municipality. There seems to be no way in which a council can compel such accountability. However, a case can be made that any appointee can be recalled—i.e., replaced before the term is up—if the council considers that the appointee is not acting in the interests of the municipality. Legal advice should be sought before proceeding to replace an appointee.

D. Powers, roles, and responsibilities of members of municipal councils

This section is addressed particularly to councillors, especially newer councillors, but has considerable relevance to the work of other municipal officials.

D1. General considerations

Heads of council

D1.1 The special responsibilities of heads of council (i.e., chairs of regional municipalities and mayors of local municipalities) are defined in the *Municipal Act* and also, in the case of chairmen, in the respective regional acts. Generally speaking, they serve as the chief executive officers of the municipal corporations, empowered to cause the laws of their municipalities to be duly executed and to supervise the conduct and performance of their municipalities' officials.

D1.2 An important responsibility of a head of council is to preside at all meetings of the council, with the power (subject to challenge by the council) to expel or exclude any person who behaves improperly. Presiding at a council meeting can be a most difficult role deserving the sympathy and support of all councillors. The head must not only act as the equivalent of the speaker in a legislature, he or she must also play a full part in the debates—switching between being impartial in the chair to being partisan when necessary on the floor of council. As presider, a head of council has an obligation to smooth and expedite the flow of business, even business that the head finds unpalatable.

D1.3 In the most important matter of voting, the head has no more statutory power than any other member of the council—even less where the head is an unelected regional chairman, who may vote only when the council is otherwise tied. Whatever political power a head might have depends on the head's ability to command a majority of votes. A council's by-laws may give the head of council considerable managerial and administrative authority.

D1.4 The chief asset or weapon available to the head of council is information. Not only is the head usually an *ex officio* member of all council commit-

tees, by virtue of the council's procedural by-law, just about every piece of the corporation's business, public and not so public, flows through the head's office. ('*Ex officio*' means 'by right of office' not 'without a vote'—as it is sometimes taken to mean.)

D1.5 An archaic power of mayors (not other heads of council), in the *Municipal Act* until the 1970s, was "to call out the *posse comitatus* to enforce the law within the municipality under the same circumstances in which the sheriff of a county may now by law do so." A *posse comitatus*, according to a dictionary, is "a body of men that a peace officer of a county is empowered to call to assist him in preserving the peace, making arrests, and serving writs."

D1.6 Councils may appoint a deputy to act when the head of council is absent or indisposed.

D1.7 Where a head is required to serve on a board or commission, the head may usually, with the approval of the council, designate another member of the council to serve in his or her place. An exception is service on a police services board.

D1.8 Last but not least, the head of council has a ceremonial role and a role as the representative or spokesperson of a community. Sometimes the two go together. A head of council may receive literally thousands of invitations a year to open art galleries, lay foundation stones, etc.. The head welcomes distinguished visitors to the community. The head may be asked to present his or her community at national and international forums on such matters as race relations and public-private sector financing. Often a head asks other members of council to share the burden of the ceremonial and representative roles.

Other members of councils

D1.9 Basically the only (but considerable) statutory power of other members of councils is to attend (or not attend) meetings and vote according to what they consider to be the public interest. They may have additional powers by virtue of membership in other bodies to which they are appointed by their councils, such as police service boards. Councils may by by-law give individual members of council considerable administrative authority.

D1.10 All members of a council, including the head, have the responsibility to attend and participate in the various meetings of the council and its committees. The *Municipal Act* provides that the seat of a member of

council becomes vacant if the member is absent from the meetings of the council for three successive months without being authorized to do so by a minuted resolution of the council. Some councils automatically authorize all absences by an appropriate resolution at the end of each meeting.

D1.11 The corollary of a point made above—that councils may act in significant ways only by by-law—is that individual council members (and even the head) count for little except as they can be a part of passing or denying the passage of a by-law. But, of course, individual members of councillors can have much influence over whether a matter reaches or does not reach the point of being adopted as a by-law.

D1.12 Even though only councils can act in significant ways, not individual members, the individual members who support or even prevent an action by their council may be held liable for it. There is one celebrated case in the City of Toronto in which legal action was taken against a majority of the council for absenting themselves from the council chamber thus breaking quorum and effectively denying the issuance of a demolition permit for a building in which people were living. Councillors should always be prepared to receive advice from their municipal solicitors as to their personal liability for how they vote at or absent themselves from meetings of council and its committees.

D1.13 An important concept in relation to the liability of members of councils is that of **qualified privilege**. This is a defence against legal action in respect of statements made at a meeting of a council or its committees in respect of business within the council's or committees' jurisdiction—statements that might otherwise be found defamatory—unless it is shown that the statements were made maliciously. Qualified privilege allows things to be said in the public interest that should not otherwise be said. It does not extend to interviews with reporters or to any occasion outside of a properly authorized meeting. Qualified privilege can be distinguished from the **absolute privilege** enjoyed by members of federal or provincial legislatures when they are speaking in their parliaments. There anything can be said within the rules of the parliament, maliciously or otherwise.

D1.14 Many councils provide insurance coverage for individual members against legal action by other parties that is precipitated by the members' actions in fulfilling their responsibilities.

D1.15 As well as their own personal liability, members should always be aware of the liability of the municipal corporation and the other bodies they are entrusted to manage. An important question to ask when preparing to

vote is whether a particular action by the council could result in a law suit that could not be readily defended.

D2. Meetings

General considerations

D2.1 Some important matters concerning meetings have been set out in Section C2 above.

D2.2 Council members can find themselves spending much of their working days at meetings of the council, committees of the council or other bodies. The three keys to coping with the overburden of meetings are: (1) being prepared; (2) performing well at meetings; and (3) following up after meetings.

Preparation

D2.3 Being prepared means not only reading all the significant material for a meeting, but also following up on points that are not clear and developing strategies for each item—strategies that may involve other participants in the meeting. Emphasis should be put on 'significant,' for in many cases it would be literally impossible to read all of the material presented by officials for consideration.

D2.4 The problem for new councillors can be that they do not know what is significant and what is not. Experienced councillors and senior staff generally know what will be controversial or otherwise important, and they should be asked. But something that is important to a new councillor may not be important to them. A challenge for new councillors is to learn how to ration their time and attention.

D2.5 In many cases a visit to the actual location of a matter under consideration can be worth many hours of reading. Photographs or video recordings illustrating a particular point have often carried the day at meetings.

D2.6 In working out strategies for action with respect to a particular item, a councillor is wise to have in mind exactly what motion (i.e., resolution) he or she wishes to have adopted respecting the item. It may be simply to adopt or refuse the recommendation in the staff report. It may be a motion

to achieve minor or major amendments to the recommendation, including additions to it and deletions of part of it. (Prior to being voted on, a motion is sometimes called a 'question'. "Shall the question be put?" may be asked.)

D2.7 Speeches should be prepared too, if any are to be given. Among the sins of councillors is speaking at meetings without adequate preparation. Another sin is speaking with too much preparation, i.e., the whole thing is written out. Few things are worse at a meeting than listening to a read speech.

D2.8 Any councillor, however well armed for a meeting, should be prepared to change position during a meeting. That is partly what all the other speeches are for!

Conduct at meetings

D2.9 The most productive councils are those in which there is debate on the floor of the council or committee and the participants then join each other for a coffee or something stronger. What this means is not that the debate was a sham for public view but rather that the debate was about issues rather than personalities or personal feelings.

D2.10 In less productive councils, the adversarial activity is continued beyond the debate. And then personal dislikes enter into the debates and the issues become clouded.

D2.11 Councillors often see more of each other than they do of their families, and good interpersonal relationships, in spite of political differences, can make the days and evenings at meetings not only more productive but also more tolerable.

D2.12 Thus the basic manner of a councillor at a meeting should be one of respect: respect for the chair, respect for the rules and procedures of the meeting, respect for the work and professionalism of the staff, and, above all, respect for the positions and integrity of fellow councillors.

D2.13 An important general rule that new councillors often find difficult to work with is that usually a matter may be dealt with at a meeting only if it is lawfully on the agenda of the meeting. The trick is to get it on the agenda of the next meeting rather than irritate everyone by forcing discussion of it at the present meeting.

D2.14 Compromise about procedure is almost always a good thing to achieve. Wrangles about procedure are unedifying to the public who, through the media and in person, may be watching in more ways than is immediately apparent. A particularly odious practice, which invariably backfires sooner or later, is to use a majority of the council to terminate debate and thus prevent certain councillors from being heard. Not only is the practice unseemly, it is also a denial of the democratic rights of the people who are represented by the silenced councillors.

D2.15 Few things aggravate colleagues more than interminable questions of officials at meetings. Sometimes securing a public answer is essential. Sometimes a question arises during debate and must be answered for the debate to continue productively. More often the questions can be put privately before or even during the meeting. Interminable questions at meetings are usually a sign of laziness or insensitivity, or both.

Hearing deputations

D2.16 Section C2 included discussion of *when* interested parties should be heard at meetings; but there is also the question of *how* they should be heard.

D2.17 The simple answer is respectfully, which also means attentively. The two worst things that can happen with respect to deputations are inattention by the people being spoken to and then aggressive and discourteous questioning. Deputants should be treated like guests at home. They are an important part of the democratic process and should be made to feel comfortable in what they are doing.

D2.18 Just about every council has its regular deputants who use meetings to express their egos rather than contribute to the issues at hand. They should be recognized for what they are—undemocratic pests—and be courteously but firmly invited to desist.

D2.19 Councils have different rules about when deputants may be heard, for how long, and under what circumstances. It's wise to be flexible, as long as it's clear that a person has a genuine contribution to make to the resolution of an issue, no matter which side the person happens to be taking.

Following up after meetings

D2.20 It's usually the job of staff to record and implement the decisions of councils and committees. But it's very often useful for councillors to have

their own record of the salient features of meetings, indicating actions that they have to take with respect to decisions that were made. Councillors are often surprised that they remember the details of a debate well, but cannot remember exactly what was decided.

D2.21 Thus, a notebook that is used only for meetings can be a good idea. A notebook can also be a place to record questions that are better asked later, or to jot down thoughts and notions that arise during debates.

D3. Relationships to the bureaucracy

D3.1 This section supplements Section C5 in which the responsibilities of councils as employers were discussed.

D3.2 The basic rule governing the relationships between councillors and staff is that the senior officials appointed by by-law are accountable to the council—certainly not to individual councillors—and the other employees report to their heads of department. For certain managerial and administrative purposes, senior staff may report through a chief administrative officer or city manager, or through a committee of council.

D3.3 Discipline of senior staff should be carried out only by the council, not by individual members of council (with the possible exception of the head of council). Discipline of other employees should be carried out only by department heads or their delegates—within the collective agreement if one is in place—never by the council or individual councillors.

D3.4 Praise is another matter. It should be given freely by councillors, who too often seem to feel that a municipality's employees are undeserving. An alternative view is that municipal employees are the unsung heroes of civilization, carrying out vital and difficult jobs that hold our society together.

D.3.5 Officials appointed by by-law serve "at the pleasure" of council, which seems to mean that they could be dismissed without cause.

D3.6 The current legal position of senior officials may be unclear, however, and may not be resolved until some litigation has occurred. Councillors would be wise to avoid having their municipalities contribute expensively to the development of the law on this matter.

D3.7 An important emerging issue for councillors is whether senior officials should be 'permanent' employees or on fixed-term contracts. Contracts are rare for these positions but they are likely to become more common. They make it easier for unwanted officials to be let go, but they also redefine the commitment of officials to the corporation in possibly damaging ways. The matter requires a lot of thought.

D3.8 The question of who councillors can deal with among the staff is a difficult one for which there are no general answers. In some municipalities every request is channelled through a chief administrative officer or city manager. In others, the practice is to allow even quite junior staff to respond directly to councillors' inquiries. The particular style of the municipality should be learned quickly, in order to avoid embarrassment and hard feelings.

D3.9 If councillors find the lines of communication too rigid, and want to move to free them up, they can take comfort from practices in other municipalities where relationships with staff are much looser and the system does not break down into anarchy. The important thing to remember in a freer environment is that the head of a department—often known as a 'commissioner'—is always responsible for whatever happens in his or her department, and that the responsibility should be respected.

D4. Relationships to the public

Constituents

D4.1 The most difficult thing for a councillor to decide in relation to his or her constituents is whether to be a follower or a leader, a representative or an exerciser of judgement. Practice suggests that followers are more readily re-elected, but leaders are more respected.

D4.2 The link between the two is education tempered by consultation. The ideal councillor takes positions that are in the best interests of the whole community, and then helps his or her constituents identify with those best interests, all the time soliciting and being respectful of the positions of the constituents.

D4.3 In practice, people can very stubborn and self-interested, and seem to be becoming more so. NIMBYism is rife, and the temptation for elected representatives to follow the crowd becomes stronger by the day.

D4.4 But the light at the end of the tunnel is that people, paradoxically, are also crying out for leadership. Councillors are surprisingly often gratified by how much quiet support there is for tough-minded positions taken calmly in the face of screamed objections.

D4.5 Most of the dealings with constituents, however, are not about big or even small community issues but about individual problems. Councillors who are both leaders on issues and solvers of constituents' problems do very well.

D4.6 A councillor can be a route for constituents to the solution not only of problems involving the municipal administration but also of problems with other agencies. New councillors are advised to secure quickly a list of all sources of help in their communities, whether it is a matter of free legal advice, assistance with landlord-tenant problems, low-cost housing, or anything else for which constituents might need assistance. Cribbing lists from experienced councillors is a good idea.

D4.7 One of the best things a councillor can do is put out a regular newsletter to constituents—or at least to constituents who are known to be interested in the councillor's activities.

Neighbourhood and business associations

D4.8 Representative groups can make a politician's life easier, up to a point. They allow for focused expression of a particular point of view and can save the politician the job of extensive individual consultation.

D4.9 But such groups have their own politics that can become very time-consuming. And the groups are not always representative. A wise councillor maintains a courteous, supportive, but essentially arm's-length relationship with organized groups in the community.

Developers and other seekers of approvals

D4.10 Here is where councillors are most likely to get into trouble. Developers are a necessary feature of our society, but they also have a lot at stake and can be very single-minded.

D4.11 It's not only developers. On some days it seems that everyone wants something from the council. Wise councillors frequently ask themselves what would be in the public interest, and have strong reasons for supporting what they choose to support and chose to refuse, reasons they would be proud to justify to their constituents and to the public at large.

Advocacy groups

D4.12 Politics at all levels in North America has become a fertile hunting ground for advocacy groups: for a host of causes ranging from the environment to literacy to the rights of particular minorities.

D4.13 All should be treated with respect, but a question that should never be far from a councillor's lips is what a particular cause has to do with the responsibilities of the municipality. Advocacy groups can be extremely persuasive, which is their job, but their causes are not necessarily the same as the public interest and quite often are not matters for municipal action.

D4.14 More often, however, an advocacy group has a position with some relevance to the responsibilities of the municipality. Then the rule should be that for associations within the constituency, set out in Section D4.9 above.

Elected representatives sharing constituents

D4.15 Every citizen is represented by numerous politicians—federal, provincial, school board, etc.—who may or may not see eye-to-eye politically or personally. Often citizens do not know who is responsible for what and will call one representative about something that is within another's responsibility (a councillor about an unemployment insurance problem, for example).

D4.16 A temptation for new councillors, particularly when relationships between particular politicians are adversarial, is not to pass the problem on but to try to deal with it themselves. This is invariably unwise and can backfire. The best thing is to pass the problem on (without giving the impression that the buck is being passed), but this requires a knowledge of who is responsible for what if the referral is not to confuse the constituent further.

D4.17 Similar considerations apply when a request for help within municipal jurisdiction is received from another part of the municipality. Unless the

requester insists otherwise, the problem should always be passed on to the councillor responsible for the other area. If it is not passed on, the other councillor should be informed as to what is happening.

D4.18 Few things about politics are more unpalatable to constituents than the sight of their representatives fighting over their problems. Fights should be reserved as far as possible for the council chamber and committee room and should be about substantive issues (and always verbal).

D5. Relationships with the media

D5.1 A whole book could be written about this topic, which is a central feature of the lives of many politicians and some senior officials at all levels of government.

D5.2 All politicians crave good media coverage. Most abhor bad coverage. (Some like any coverage.) The problem for councillors is to act so that there is more of the first than the second.

D5.3 One feature of dealing with the media is that what the public thinks is important is not necessarily what might reasonably be considered important. Reporters and editors have to live with that. Politicians and other officials therefore have to understand that their own priorities are not always the issues that will catch the headlines.

D5.4 Another feature of dealing with the media is the overriding requirement for politicians and officials to make their central points clear and to remember that a point may have to be made in 15 seconds or 50 words, depending on the medium.

D6. Conflicts of interest

D6.1 Municipal politicians in Ontario are subject to fierce conflict of interest legislation. The essential points are that members of councils must declare any financial interest in a matter under consideration, including that of close relatives and business associates; they must not take part in any debate at a committee or council meeting on the matter, nor attempt to influence a decision on the matter in any other way; and they must not vote on the matter.

D6.2 One point that must be emphasized strongly is that municipal solicitors cannot properly advise councillors as to their liability under the legislation. This must be done by private lawyers, if legal advice is thought necessary.

D6.3 A difficult point concerns whether an interest is financial, i.e., has a value that can be measured in money. Some councillors take the view that almost any interest can be considered to have a financial aspect. Such councillors might, for example, consider themselves to have a conflict if they belonged to a hospital board, and a matter concerning the hospital came before the council, even though they received no remuneration from the hospital and had no other kind of private interest in the affairs of the hospital.

D6.4 The best advice is: when in doubt, declare a conflict. However, some councillors have been known to take this too far. There are some clear exemptions in the legislation, covering interests in common with residents at large, the setting of remuneration for councillors, and conflicts arising out of membership in bodies to which a councillor is appointed by the council.

D6.5 *A councillor should not take part in any meeting or even engage in any council business involving other councillors without a clear understanding of the conflict of interest requirements.*

E. The Raising and Spending of Money

E1. Property taxes, business taxes, and assessment

History

E1.1 Finance issues have been at the heart of municipal concerns since the first settlement by Europeans in Ontario. In 1793, an assessment act was passed as one of the earliest pieces of legislation of Upper Canada to provide for the raising of money (through what we now call a property tax) to pay for the costs of court and jail houses, officers' fees, and building roads. When the first elected district councils were established in 1841 in Canada West (now Ontario), they were given the right to meet their expenditures on road-building, welfare, education, and justice by tolls or taxes on real or personal property, or both.

E1.2 The property tax has always been a major source of revenue for Ontario municipalities. It has been supplemented by a variety of licence and permit revenues, fines and penalties, and charges for public utilities such as water, sewerage, and public transit. There was even a municipal income tax levied in some municipalities until the 1930s. Poll taxes were common, and not abolished in Ontario until after the Second World War.

E1.3 Provincial grants to municipalities did not become an important part of municipal revenue until the twentieth century. Municipalities were able to cover the costs of meeting their substantial responsibilities from their own revenue sources. At the turn of the century, municipal spending in Ontario was considerably higher than provincial spending. Indeed, comparison of accounts shows that the budget of the City of Toronto alone was larger than that of the whole provincial government. It was not until the Second World War that provincial spending caught up to overall municipal spending and not until the late 1960s that it surpassed it. The provincial government now spends more than twice as much as the combined total of Ontario's 830 or so municipalities.

E1.4 Road-building is a good example of the change since the beginning of the century. In 1900, there was virtually no provincial spending on roads and no grants to municipalities for road-building. By the time a committee on provincial-municipal grants reported in 1977, 68 per cent of the expenditures on local roads came through provincial grants to the municipalities. The same committee noted that in 1977 there were 79

different provincial-municipal conditional grant programs in Ontario and eight unconditional grant programs.

E1.5 One of the results of the Depression of the 1930s, which had driven many municipalities to the brink of bankruptcy, was that the province and the federal government took over some formerly municipal spending responsibilities, put more stringent controls on municipal borrowing, and took over almost all tax sources from municipalities other than the property tax. The need for increased revenue to meet the needs for increased spending in the 1950s and 1960s proved to be too great for property tax revenue to cover. As a result, the property tax, which provided over 60 per cent of municipal revenue in the early 1930s, provided less than half of total municipal revenues by the late 1970s, with most of the rest coming from provincial grants.

E1.6 The first major attempt to reform the municipal financial structure came with the publication of the *Smith Committee Report on Taxation* in 1967. It concluded that the property tax was a suitable source of revenue for most municipal functions, but that great inequities existed because property values were assessed on different bases and on different base dates between classes of property.

E1.7 The *Smith Report* recommended that the provincial government take over the assessment function—which it did in 1970—and that a system of market value assessment be applied across the province. The aim was to develop within three or four years a common and equitable base on which to calculate provincial grants to municipalities, and to smooth out inequities in property tax burdens between and within municipalities. It is now more than 20 years since that decision and still not all municipalities have moved to a market value assessment system, with Metropolitan Toronto being one of the holdouts.

Assessed values, mill rates, business taxes, and market value assessment

E1.8 The amount of property tax owing in respect of a commercial or industrial property in a given year is calculated by multiplying the **assessed value** of the property by the **mill rate** for the year and dividing the result by 1,000. In the case of farm and residential properties, the mill rate is calculated in the same way and then reduced by 15 per cent—i.e., 15 per cent less in taxes is payable in respect of a home than in respect of a commercial building of equal assessed value. The assessed value of each property is determined by the Assessment Division of the Ontario government's Ministry of Revenue. The annual mill rates are set by the local council after

receiving requisitions from school boards and upper-tier municipalities that provide services within the local municipality's boundaries. The local council has no power to alter the levies made by these other bodies (see also Section E1.15 to E1.19 below on tax collection).

E1.9 **Business taxes** are in effect an additional tax payable on property in which a business is operated. Whereas payment of property taxes is the responsibility of the owner (who passes them through directly or indirectly to tenants), payment of business taxes is the responsibility of the operator of the business—calculated as a percentage of the property tax payable on the part of the property occupied by the business. The actual percentage varies with the type of business—as set out in the *Assessment Act*. It averages about 50 per cent.

E1.10 The issue of **market value assessment** (see also Sections B3.9, B4.3, B6.3, B6.5, and E1.7 above) arises because of historical differences in the treatment by different municipalities of different properties over the years before 1970, when the provincial government assumed the assessment function. The actual assessed value assigned to a property in a municipality that has not undergone market value assessment may be quite notional, and much different from that of similar properties in the same or neighbouring municipalities. A move to assessments based on market values can thus produce large changes in the tax attracted by certain properties. Over all, of course, the winners and the losers cancel each other out—reassessment does not mean that the total amount of tax raised in a municipality changes—but the dismay of the losers is usually more strongly expressed than the satisfaction of the winner and serves to block action. When market value assessment is introduced across a regional municipality, the levies on the individual local municipalities within the region may rise or fall according to the predominant type and age of property with the local municipalities. Then the voices of particular local councils may lead the opposition to reassessment.

E1.11 The position of successive provincial governments since 1970 has been that movement to market value assessment is done only at the request of municipal councils—that of the regional or metropolitan municipality where there is one. The applying council may opt for one of two methods of market value assessment, taking advantage of one or another section of the *Assessment Act*. Under Section 70, the application of market values is uniform across all property types. Under Section 63, the application is uniform within classes of property—residential, multi-residential (i.e., apartment buildings), farm, commercial, and industrial—but the total assessed value of one class relative to the total assessed value of the other classes remains unaltered.

Property and business taxes as a proportion of all revenue

E1.12 Property and business taxes comprise only about half of the revenue of Ontario municipalities. The actual breakdown in 1989 was: property and business taxes, 48 per cent; payments in lieu of taxes, 3 per cent; unconditional grants, 7 per cent; conditional grants, 34 per cent; and other revenue, 8 per cent. The total revenue was just over $12 billion. The largest item in "other revenue" was interest on taxes collected in advance of their use.

E1.13 This breakdown for the whole province obscures large differences among municipalities. For example, in 1989 Metropolitan Toronto received only 40 per cent of its total revenue of $2.68 billion from taxes whereas the City of North York received 57 per cent of its total of $293 million from taxes. This difference arose largely because of the huge conditional grant received by Metro from the provincial government to provide social assistance and other community services: more than $550 million in 1989 (and to be over $1.2 billion in 1992 on account of the large increase in the number of people receiving social assistance, delivered by Metro but funded 80 per cent by the provincial government).

E1.14 Also of interest are the differences in what comprised "other revenue." In 1989, Metropolitan Toronto received less than half as much from bank interest as from fines ($25 million vs. $53 million) whereas North York received almost 90 times as much in interest as from fines ($23 million vs. $0.26 million). This happened because Metro received all the revenue from parking fines, even on local streets (see Section E2.24 below), and North York collected the taxes for itself, for Metro, and for the school boards well in advance of the dates the taxes had to be forwarded to Metro and the school boards, and invested the amounts to be forwarded in remunerative short term deposits. (Recent case law allows the taxes to be held for 10 days only—still enough to earn more interest than is required to cover the cost of collection.)

Collecting property and business taxes

E1.15 Tax collection is the responsibility of local municipalities, which collect taxes for their own uses (usually 20-25 per cent of the total bill), for those of the regional municipality (roughly 25 per cent of the total), and for those of the school boards (50-55 per cent of the total). Thus local municipalities send out the bills but have a say as to how only a small part

of the total is decided. This can be a source of confusion to taxpayers and irritation to members of local councils who get the blame for other politicians' decisions. An alternative would be separate billings by each of the councils and boards for whom money is being raised, but the overall administrative costs would be much higher. Another alternative, which would reduce both the frustration of local councillors and overall costs, would be to have tax bills sent out by regional municipalities; in Metropolitan Toronto for example, there would be one tax collection administration where there are now six. Certainly there is room for more coordination than at present—of presentation of information, and probably more.

E1.16 The coordination of the requirements of the different councils and boards into a composite tax billing is a complex process that runs smoothly according to precise provincially-set rules and is usually invisible to local councillors except when they rubber-stamp the final package.

E1.17 Property tax bills are usually sent out in two parts, before and after approval of the operating budgets for the year (see Sections E5.1 to E5.7 below). Each part may be paid in instalments, according to the particular practice of the municipality. The first part is for half of the previous year's total billing. The second part is for half of the previous year's billing plus the whole of the tax increase for the current year. *Thus, in any year, the amount billed in the second part is larger than the amount billed in the first part by twice the rate of the tax increase for the year. As a result, property taxes seem to rise at a higher rate than they actually do.*

E1.18 Councils may set discounts for early payment and, within limits, penalties for late payment of taxes. If property taxes are owed for three years, the council may proceed through a complex process to sell the property and recover the amount owed, plus a further commission, refunding any balance to the owner.

E1.19 Sometimes only one billing of business taxes is made, after the operating budgets are set and also payable in instalments. Sometimes two billings are made. In either case the instalments may be phased differently from the instalments for the property taxes.

E2. Revenue other than property and business taxes and grants

Other taxes

E2.1 The only other regular tax received by municipalities is a **tax of five per cent on the gross receipts of telephone and telegraph companies**, collectible in the same manner as property taxes and like property taxes (but not business taxes), constituting a special lien on the lands of the telephone and telegraph companies, i.e., the property can eventually be sold to recover the amount owed.

E2.2 Some other charges are collected as taxes in that they are a lien on the respective properties. These include the **sewer impost**, where there is private legislation that permits it, which is a fee for connection of new development to the municipal sewer system. Unlike development charges for sewers and other infrastructure (see Section E2.18 below) the sewer impost is paid after the connection is made; payment is not a condition of approval of the development.

E2.3 Two other charges collected like taxes are the **business improvement levy** and the **local improvement levy**. Both levies have a voluntary component in that they can be imposed only after a substantial majority of the property owners in an affected area have agreed to their imposition. A business improvement levy applies to all business in a defined area, and is calculated as a proportion of the liability for business taxes. The exact proportion is set by the council on the recommendation of a local board elected by the business people for the purpose. The proceeds are used to promote business in the area—in ways that range from sending out advertising flyers to installing sidewalk benches and light fixtures—as determined by the local board. A local improvement levy is applied for a particular purpose such as installing a back lane behind commercial or residential properties. The amount paid in respect of an individual property is calculated according to how much the council believes the individual property owner will benefit from the improvement in relation to the other benefitting property owners.

E2.4 The so-called **"heads and beds" tax** of $75 per year per student in a university, per inmate in a correctional institution, and per bed in a hospital is really more like a provincial grant in lieu of taxes (see Section E3.8 below).

User fees, licences, and permits

E2.5 User fees are charges for a particular service. The major user fees at the municipal level are the special cases of charges for electricity, water and sewage services, and transit, which are treated in the next three subsections.

E2.6 Most **electricity** generation in Ontario is carried out in Ontario Hydro facilities. Within urban areas it is sold to consumers by municipal agencies—usually by a separate special-purpose commission but sometimes by a separate utilities commission that also delivers municipal water to consumers, and sometimes by a municipal department. In every case, the electricity must be supplied at cost (including the cost of present and future equipment) and the schedule of charges must be approved by Ontario Hydro. A municipality may not use the operation of its local electrical distribution system as a source of revenue except for the purpose of retiring the system's debts (borrowing may be done only through the municipality).

E2.7 Regional governments, where they exist, usually provide **water purification and sewage treatment**. They pay for the operation of these services through volume charges for the water delivered to their local municipalities, who are responsible for delivering water to properties and collecting sewage from them. The eventual charges for water to consumers cover the water- and sewage-related costs of both the regional and the local governments, and the provincial government in cases where treatment facilities are owned and operated by the Ministry of the Environment—as, for example, in the Region of Peel. Thus consumers pay for sewage service when they pay their water bills, according to how much water they use. Water rates have risen dramatically during the last decade as both as the costs of providing sewage and water services have climbed (on account of increased environmental controls and, in some cases, reduced conditional grants from the provincial government) and as municipalities have withdrawn from hidden subsidization of the services from general revenue. However, even in municipalities where there now appears to be full cost recovery, a case can usually be made that there is insufficient provision in reserves for costs that are likely to be incurred to meet even tighter environmental standards. Thus the retail cost of water may still be too low, even where it has increased dramatically. Municipalities may not readily use the proceeds of the sale of water as general revenue, but the question has been posed as to whether municipalities

might be allowed to make a 'profit' from water, thereby increasing water rates further, encouraging conservation, and boosting municipal revenues.

E2.8 Unlike the cases of electricity and water, there is no expectation that **transit** fares recover the costs of providing transit (and certainly not that they might contribute to the general revenues of municipalities). Indeed, municipal transit fares are explicitly subsidized by provincial and municipal governments according to cost-sharing formulas that vary according to the size of the system. In Metropolitan Toronto, where the total amount of subsidy is the highest in the province, but the proportion of each fare that is subsidized is the lowest, 68 per cent of the operating cost of the Toronto Transit Commission comes from the fare box, and 16 per cent from each of the provincial government and the Metropolitan Toronto Council.

E2.9 The major user fees other than for electricity, water (and sewage), and transit, are for parking automobiles and for the disposal of waste. In both cases, the surplus revenue may be used for the general purposes of the municipality, although only by going through a complex process in the case of parking.

E2.10 **Parking** revenue is secured from the operation of indoor and outdoor parking lots (usually through a separate municipally owned company) and from the operation of on-street parking meters, as well as in other miscellaneous ways. Councils have been reluctant to exploit parking as a source of income because of a belief that high charges encourage unproductive illegal parking or, worse, discourage potential customers in business districts. Studies have shown, however, that when parking rates are low, most use is made of municipal facilities by the business operators themselves or their employees. Raising rates can free up spaces and thus make it easier for people to visit business districts. (Studies in Europe and the United States have shown that business districts do best of all when parking is provided for bicycles rather than for cars—and bicycle parking spaces are much cheaper to provide.)

E2.11 Municipalities that operate transfer stations or **waste disposal** sites may charge commercial users any amount for the use of the facilities and use the 'profit' for any municipal purpose. The Metropolitan Toronto Council and Peel Regional Council have made the most use of waste disposal charges, raising their disposal fee from some $18 to $150 a tonne between 1986 and 1991. The previously earned revenue from commercial waste disposal was used by the Metropolitan Toronto Council during 1991 both to pay for the handling and disposal of all municipal waste collected by the local municipalities and to offset the huge increases in costs experienced

through rapidly increasing welfare rolls. During 1991, revenues fell sharply in part on account of a recession-induced reduction in waste production but mainly because of massive export of commercial waste to lower cost, and often sub-standard, facilities in the United States. (Metro's monthly income from tipping fees is currently less than one tenth of what it was at the beginning of 1991.)

E2.12 Revenue from other user fees is mostly insignificant but, as is noted below, the scope for enhancing this source of revenue may be large. Presently, other user fees are mostly applied for use of recreational facilities such as tennis courts and golf courses.

Licences and permits

E2.13 Municipalities responsible for licensing businesses may treat the licensing fees as taxes and use the proceeds for general purposes. They have been reluctant to do more than cover their costs in order to avoid alienating businesses. Usually local municipalities are responsible for issuing licences, but in Metropolitan Toronto this is done by the upper-tier municipality. Other licenses—for marriages, for example—may only cover the costs of issuance and administration.

E2.14 Municipalities may charge for the issuance of permits to construct buildings and install heating equipment, but only to recover the costs of administration. These costs can be high, and municipal councils do well to ensure they are recovered in permit fees.

Rents and concessions

E2.15 Municipalities often own land and buildings that are or could be used for private non-residential purposes for short or long periods. Municipal councils may charge what they want for the use of the facilities, restrained only by the market and a sense of what might be in the best public interest. Substantial opportunities for supplementing general revenue may be available.

E2.16 Municipalities may also own residential property—including houses, apartments, homes for the aged, and hostels—directly or through municipal housing corporations. Mostly the purpose of municipal ownership is to make subsidized accommodation possible; recovery of costs through rents would defeat the purpose. Also, the construction and use of subsidized accommodation usually involve federal or provincial

governments, or both, and the financial rules may thus be beyond the control of the municipality. Nevertheless, the municipal contribution, explicit and implicit, to such accommodation can be scrutinized to see whether cost recovery of that portion is possible.

E2.17 The largest land-holdings of municipalities are usually their roads, sidewalks, and parks. Concessions to operate commercial facilities within parks are a common source of revenue. However, further exploitation of this source could sometimes defeat the object of the park. Revenue from the use of roads and sidewalks, by contrast, may have much scope for enhancement. Parking charges (usually at meters, but also for the use of privately occupied parts of the road allowance—e.g., front-yard parking) have been mentioned, but there may also be opportunities for increased revenue from rents and concessions arising from occupation of the sidewalk and pavement (by newspaper vending boxes for example). Many residential streets seem unnecessarily wide, and abutting owners may want to lease parts of them from the municipality for usable extensions to their property, for an appropriate fee.

Revenue related to development

E2.18 The various kinds of development charges are regulated by the *Planning Act* and the *Development Charges Act*, as well as by the *Municipal Act*. Development charges are a complex matter that may undergo considerable evolution in the near future as new ways are found to finance municipal infrastructure.

E2.19 Municipalities may require that payment for the costs of development-specific infrastructure be a condition of development, but they can only recover their growth-related costs net of subsidies and other recoveries, and the charges are subject to appeal. The charges are set by by-law, and must be reviewed at least every five years. The local municipalities are authorized to collect such costs but a regional municipality may impose them for collection by the local municipality in which the development is to occur. A region may request of the provincial government that it be permitted to collect its own development charges. Development charges tend to be lower in urbanized areas because the costs of providing infrastructure are usually lower.

E2.20 Municipalities may also, as an alternative to development charges, allow cash payments in lieu of requirements to provide parking in connection with a development or to convey land for recreational purposes. The

revenue from such payments in lieu need not be used by the municipality for the intended purpose.

E2.21 A municipality may also secure payments in cash or kind for allowing increases in the height or density of a development beyond what is permitted by the municipality's zoning by-law. This practice has been described pejoratively as planning by deal-making and as selling rezoning approvals. It can also be seen as a way of capturing for the public good the increase in value conferred on a site by the actions of the municipal council in approving the rezoning. Again, the funds do not have to be used for the purpose intended at the time the agreement with the developer was reached, except insofar as the agreement may create a contractual obligation upon the municipality to do certain things.

Fines

E2.22 Fines as a source of revenue used not to be talked about very much as it was considered unseemly for municipalities to rely on law-breaking by citizens as a regular way of securing funds for public purposes. Now that money is so tight, more attention is being paid to how much is received from municipal fines and to who receives the proceeds.

E2.23 Parking fines provide the major component of fine revenue, markedly so in Metropolitan Toronto. As noted above, they comprised the major portion of the $53 million received from the proceeds of fines by the Metropolitan Toronto Corporation in 1989. (Revenue from parking fines declined substantially in subsequent years on account of changes by the provincial government in the administration of the parking fine system.)

E2.24 According to the *Municipal Act*, revenue from fines is supposed to go to the municipality responsible for the contravened by-law. But in Metropolitan Toronto, according to the *Municipality of Metropolitan Toronto Act*, "the fines and penalties that but for this Act would otherwise belong to an area municipality belong to the Metropolitan Corporation." The only exception is the revenue from fines imposed under the *Ontario Building Code Act*, which goes to the local municipality. (A similar requirement for the allocation of fine revenues may apply in the regional municipalities.)

E2.25 In practice, it seems that, with the exception of parking fines and Building Code fines, revenues from fines imposed for contravention of municipal by-laws are being kept by the provincial government or the fines are not being collected at all! The amounts involved are relatively small—an informal estimate by City of Toronto staff suggested that some $275,000

annually is not being received. The point could be made, however, that if the City received the fine revenues it would be more vigilant both in prosecuting offences and in ensuring that any resulting fines were collected. There could be both increased compliance with the law and increased revenues for the affected municipalities.

E2.26 To return to the more weighty issue of parking fines: The amounts involved are large, and potentially even larger, and the question arises as to whether the Metropolitan Toronto Council, and other councils receiving parking fine revenue, should have a strategy for optimizing the revenue. If the fines are too large, fewer people will break the law; thus revenue will decline. If the fines are too small, revenue will decline no matter how vigilant the enforcement. Somewhere in between too large and too small is an optimal fine schedule that generates the maximum amount of revenue.

E2.27 A strategy to optimize fine revenue may seem a little cynical. But if the two explicit uses of parking fines are distinguished—to prevent accidents and to prevent use of valuable road space—there may be less concern about the notion of optimizing revenue from the second use at least. A fine for parking during the rush period on a main street, or for parking overnight without a permit on a residential street, can be considered a form of rent for the occupation of space that becomes valuable at certain times of the day.

Scope of other revenue

E2.28 Municipalities may charge for almost everything they do. A list of possible sources of revenue prepared for the Region of Niagara noted well over 100 different items ranging from transit advertising to tree planting. Revenues from miscellaneous items accruing to the City of Toronto include fees for canopy encroachments over sidewalks, for dog licences, and for water leak investigations.

E2.29 A source of revenue in which municipalities with police forces have shown some interest is the recoveries from criminal offences involving drug-dealing. Such funds presently stay with senior governments, even though the burden of the cost of securing them may have been met mostly from municipal budgets.

E3. Federal and provincial grants

Federal grants

E3.1 There are essentially no direct grants by the federal government to municipalities other than grants in lieu of taxes (see Sections E3.6-E3.11). The closest would be mortgage subsidies by the Canada Mortgage and Housing Corporation (CMHC) to municipal housing corporations. There used to be federal grants to municipalities for such matters as bridges over railways, water and sewer main construction, and neighbourhood improvements, but these have been discontinued.

E3.2 However, the federal government is still providing a substantial portion of social assistance costs, through its contributions to provincial governments pursuant to the *Canada Assistance Plan*. The federal government's notional share of welfare costs is 50 per cent (with 30 per cent coming from the provincial government and 20 per cent from the municipalities), but with caps on spending in this area, and rising welfare rolls, the actual federal share is now often less than 50 per cent.

Conditional grants

E3.3 Most of the funding of municipalities by the Ontario government is in the form of conditional grants, which on average provide 34 per cent of municipal revenues, although with large differences among municipalities. There are 79 types of conditional grant, some with cost-sharing formulas of bewildering complexity.

E3.4 A major recent problem for municipalities is a failure by provincial governments to adhere to the agreements inherent in the cost-sharing formulae. A municipality will meet eligibility criteria with respect to the funding of a road improvement, for example, and find nevertheless that provincial funding is not available. The urgency of certain work has led some municipalities to fund 100 per cent of supposedly cost-shared projects.

Unconditional grants

E3.5 Untied grants to municipalities from the provincial government are designed to supplement the inadequacies of the property tax base and to provide an element of equalization for municipalities with low capacities

to raise revenue themselves. The value of the grants has been declining in recent years.

Grants in lieu of taxes

E3.6 Property owned or leased by the federal or provincial government is not subject to municipal property taxes. Instead, payments are made in lieu of taxes that in theory provide the revenue that would be available if the property were privately owned. In practice, less is recovered than would be received from regular assessment and payment of property taxes.

E3.7 For example, the provincial government does not make grants in lieu of school taxes—which usually amount to more than 50 per cent of property tax bills. Neither the federal nor the provincial government makes grants in respect of vacant land they own, despite the fact that if such land were in the private sector it would be liable for taxes.

E3.8 Another partial payment arises from the application of the "heads and beds" tax (see Section E2.4). This payment of $75 per inmate, student or bed in a correctional institution, university or hospital, respectively, provides municipalities with only a fraction of what they would receive if the land were regularly assessed and taxed. For example, in 1989 the City of Toronto received only 4.4 per cent of what would have received had the universities and colleges within its boundaries been private institutions and subject to regular taxation. In respect of hospitals, the amount was only 1.6 per cent of the potential total.

E3.9 Municipalities themselves are not slouches when it come to exempting properties from realty taxes—and thereby adding to the tax burden on other properties. Exemptions can be granted in respect of any property in which non-profit activities occur on application to the provincial legislature by the municipal council. A case in point is the Roy Thompson Hall in Toronto, which was granted a property tax exemption when it was opened in the early 1980s. The exemption is in effect a perpetual subsidy by the other property tax payers in Metropolitan Toronto, amounting presently to several million dollars a year. An annual grant to the institution may be in order, and it could be for more or less than the property tax liability, but it seems strange to define the municipal public interest in this or any other institution as exactly equal to what might be owed for taxes.

E3.10 Indeed, all municipal properties are automatically exempt from property taxes, which means that the costs of providing municipal services are not

properly allocated. A more sensible approach might be to tax *everything*, and then make adjustments in cases of hardship.

E3.11 An interesting wrinkle in the business of grants in lieu of taxes is that they are largely received and kept by the local municipalities, except for some payments that are required to be made to school boards. Few payments are made to regional municipalities, even though a portion of the grants is in lieu of taxes for regional purposes. The retention of the grants in lieu of taxes by the local municipalities has no effect on the overall amounts billed for property taxes, but it does serve to make the proportion of property taxes spent by local municipalities seem smaller than it might otherwise be. It's just another example of the games that go on between governments.

E4. How municipalities borrow money

Short-term loans

E4.1 Any municipality may take out a short-term loan from a bank to meet expenditures for the current year prior to receipt of taxes or other income. Likewise, short-term borrowing is permitted to begin projects for which debentures have been approved (see Sections E4.3 to E4.11 below) but not yet issued. Generally, short-term borrowing may not be for a period beyond the present fiscal year. Councillors who vote to approve short-term loans are, under certain circumstances, individually liable for them. If they vote to authorize short-term loans for more than 70 per cent of expected revenues they may be disqualified from holding office for two years. Often, short-term borrowing from an outside source is avoided by borrowing funds from reserves, which are then credited with interest earned.

E4.2 Municipalities may not take out short-term loans if they run out of money during the year because expenditures are unexpectedly greater than revenues. If this happens, they must reduce expenditures, use reserve funds, issue supplementary tax bills or, depending on cash flow and the time of discovery of the shortfall, just carry the deficit forward as an expenditure in the following year. In 1989, about 15 per cent of Ontario municipalities spent more than they received during the year, but the amounts were usually relatively small and not discovered until after the year end. In times of economic adversity, e.g., in 1992, the possibility of annual deficits is obviously greater even though, unlike federal and provincial governments, municipalities may not budget for a deficit (see

below). The requirement to balance the budget is one of the strengths of the municipal finance system.

Debentures

E4.3 Many expenditures of municipalities on particular items are spread over many years, both because they would be unaffordable in one year and because the greatest benefit will be received by future rather than present taxpayers. Examples are new fire halls and community centres and the rebuilding of road beds.

E4.4 The most common method of funding capital is the issuance of debentures, which is essentially the only way in which municipalities can issue debt to be repaid beyond the present municipal term. (Pay-as-you-go is becoming more common, from current property tax receipts and from development charges, in order to keep debt charges low. The matter of total debt charges is discussed above in Sections B6.11 to B6.14.)

E4.5 A **debenture** is a bond that is not secured by the assets of the issuer. The purchaser of a municipal debenture (i.e., the lender) has to rely for the repayment of capital and interest on the general credit of the municipality over the life of the debenture. There is no claim on assets as there is, for example, in the case of a mortgage. Also, municipalities in Ontario may not issue revenue bonds—a feature of municipal financing in the United States—that are secured by a charge on certain revenues.

E4.6 All debentures issued by a municipality rank equally; creditors cannot demand priority based, for example, on the amounts owed or when debentures were issued or are due to mature. Debentures are basically of two kinds.

E4.7 **Sinking fund debentures** are the most common kind used by larger municipalities. They are payable at a fixed date in the future. Each year, as well as paying interest on the total amount of principal, the issuer is required to pay into a sinking fund (i.e., an earmarked reserve fund) an amount that, cumulated with other years' payments into the fund and earned interest, will be sufficient to repay the principal at maturity. Sinking funds must be managed by trustees appointed by the council. Their proceeds may be used only to retire the debts for which they were established, unless there is a surplus at maturity and the Ontario Municipal Board approves use of the surplus for the general purposes of the municipality.

E4.8 **Instalment debentures** are also common. For these, a portion of the debt matures each year. They may be structured so that, with interest, the payment by the municipality is approximately equal in each year over the period of the debenture, or is greater in earlier years.

E4.9 Because sinking fund debentures are secure long-term investments, borrowing through them is generally slightly less expensive for municipalities than borrowing through instalment debentures.

E4.10 Regional municipalities generally have the responsibility to issue debentures for all local municipalities, school boards, and local agencies, boards, and commissions within their jurisdiction except, in some cases, separate school boards.

E4.11 Debentures are invariably issued in Canadian and foreign bond markets. The question is sometimes raised as to why they are not issued locally, directly by the municipality, thus cutting out brokers and keeping interest payments in the community. One regional municipality tried this about 10 years ago and sold less than $50,000 of a debenture issue of $2 million. The City of Windsor has been more successful in the local marketing of its debentures, but generally the administrative costs are so high as to preclude consideration of this option.

The role of the Ontario Municipal Board

E4.12 The enormous influence of the OMB in municipal affairs in Ontario is nowhere more evident than in its control over municipal debt. Every debenture must be approved by the OMB, as must almost every obligation that extends beyond the municipal term. The OMB makes it clear that it does not rubber-stamp requests to approve debentures or even long-term leases, and insists that all rules are strictly adhered to; in practice refusal is infrequent primarily because requests that might fail are rarely submitted.

E4.13 The basic rule regarding debt is that it must not exceed a municipality's debt capacity, which is deemed to be reached when 20 per cent of the municipality's operating funds are being used for debt retirement. Other rules concern the period for which funds may be borrowed. These rules are about to be amended to require debentures to be repayable within the lifetime of the work being financed, to a maximum of 40 years.

E5. Procedures regarding the spending of money

Operating budgets

E5.1 The setting of a budget is an exercise of financial planning, which should involve above all the setting of priorities. There is no better way for a council to set its priorities than to go through what is known as a **strategic planning** exercise, which is the development of an action plan for the succeeding few years based on a view of the next decade or so.

E5.2 Municipalities have two budgets. The one that directly determines the tax rate for the current year is the operating budget, which comprises plans for and **estimates** of income and expenditure for the year, of the municipality itself and of the agencies, boards, and commissions for which the municipality has some financial responsibility. (The term "estimates" is used in the *Municipal Act* as a synonym for operating budget; strictly speaking, it should refer to the expenditure side of the budget only.) Municipalities may not budget for a deficit.

E5.3 The general practice is to approve the operating budget some months into the fiscal year, which for Ontario municipalities is the same as the calendar year. Thus, for the first four months or so of each year, municipalities operate without a budget. What happens in fact is that **interim estimates** are approved in January, based mostly on patterns of expenditure set in the previous year's operating budget. (The fiscal year for the Ontario and federal governments begins on April 1, which adds to the uncertainties about municipal financing for any given year.)

E5.4 The reason usually given for setting budgets far into the fiscal year is that elections occur in November every three years and a budgeting cycle is required that allows a newly elected council to set its priorities for its first year. If the budget were set by the outgoing council, the argument continues, there would be less accountability. But a case could be made that if the outgoing council set the budget there would be *more* accountability, because the election could then be fought on what the council had approved. Other reasons given include the need to have the latest assessment data, and to know the requirements of certain agencies, boards, and commissions, but these could all be overcome with better coordination and planning.

E5.5 Whatever the validity of the reasons, the usual Ontario municipal practice is different from that of most businesses and governments including

municipal governments in other provinces, which set budgets *before* they spend money rather than after--whatever the election schedule.

E5.6 An effect of passing operating budgets well into the year is to make it easier to introduce new programs that raise taxes. This happens because the first year of any new program is necessarily a short year, and thus the real impact can be obscured until the following year. Longer-term financial planning can thus be distorted by the practice of passing budgets late.

E5.7 How each municipality actually puts together its operating and capital budgets is very much a matter of individual custom and practice. Councillors may be deeply involved in the day-to-day mechanics of preparation or merely review the result of countless hours of staff work.

Capital budgets

E5.8 Capital budgets concern expenditures for major projects that may be funded over several years and how they are to be funded. They are usually approved before operating budgets so that the implications for the current year's expenditures are known.

E5.9 The Ontario Municipal Board pays close attention to capital budgets, and requires that they be prepared for the current year and also, in a preliminary way, for the four subsequent years. Some municipalities are now planning capital expenditures on a ten-year basis, which ties in well with the planning period prescribed under the *Development Charges Act*.

E5.10 Unlike operating budgets, approval of which generally means approval of the individual expenditures that comprise a budget, approval of capital budgets in many cases constitutes approval of particular items in principle only. The specific projects often have to be returned to council for final approval, and there must in any case be approval by the Ontario Municipal Board if long-term debt is to be issued to finance a project.

Controls over spending

E5.11 As in any large organization, a municipal corporation has rigorous processes for the monitoring and control of expenditures approved in its annual operating budget. Because public funds are involved, and accountability is thus of the essence, there can be no deviation from a tightly managed accounting system. The extent to which councillors are involved depends very much on local custom and practice and sometimes on the inclination of particular members. Some municipalities have a

financial control by-law that specifies the corporate rules for budget transfers and pre-budget spending. Various levels of authority may be delegated by council to the chief administrative officer or city manager (if there is one) or to department heads.

E5.12 An important process that should involve members of council concerns the detailed examination of the justification for proposed spending that is not provided for in the budget. Such spending makes use of a contingency account, reappropriation of funds allocated for other purposes, or certain reserve funds. Formal quarterly reporting of these special cases is part of standard procedure in many municipalities.

E5.13 Another important process that may involve councillors, on account of appeals by unhappy potential suppliers, is the selection of businesses to provide goods and services to the corporation. Councillors should have some knowledge of how their municipality selects consultants (and determines their fees), accredits suppliers, and calls for bids, tenders, and proposals—as may be spelled out in a municipal purchasing by-law.

Auditors

E5.14 One factor of interest to councillors and other officials should be the role of the corporate auditor. Styles differ among municipalities. Most have outside auditors, but some have an in-house audit department. In most, the involvement of the auditor in the control of day-to-day spending is slight, but the requirement for a pre-audit of all expenditure is not unusual. This is in addition to the auditor's basic duty to report annually on the accounts and transactions of the municipal corporation and of every agency, board, and commission of the corporation.

E5.15 The audit process is evolving steadily to encompass reviews from a 'value for money' perspective as well as a simple checking of accounts and transactions. Increasingly, municipal auditors are being called on to provide 'broad scope' audits to this end, and sometimes other investigations of the functioning of the municipal administration.

E5.16 Auditors must be appointed or re-appointed at intervals not exceeding five years. They have the right to receive notices of and attend any meeting of members of council, and to require production of any information necessary to carry out their duties, under oath if required.

F. Planning and housing matters

F1. Planning matters

General concerns

F1.1 Land use planning is essentially a process of deciding what individual pieces of land may be used for.

F1.2 The primary responsibility for making this kind of decision in Ontario rests with municipal councils—more specifically local rather than regional councils. The basic legislation governing the planning activities of councils is the *Planning Act*, a tightly written statute that takes up almost 100 pages of the *Revised Statutes of Ontario 1991*.

F1.3 In deciding about the uses of land, councils may be *proactive* or *reactive*. When they are proactive, councils are deciding what land may be used for even when there may be no evident interest expressed by landowners in changing the use of the land. When they are reactive, councils are deciding to change the permitted use of land (or not to change it) because the owner of the land wants the use changed.

F1.4 Councils are more often reactive than proactive. This is not only to say that much planning is driven by the development industry but also to note that, generally speaking, only land owners can implement the decisions about land use made by councils.

F1.5 To help them make planning decisions, councils employ **planners**—professionals trained to distill relevant information, manage processes of consensus-seeking, and present options for decision-makers.

F1.6 There are no widely accepted criteria for the recognition of good planning. Two kinds of criteria concern respectively the product and the process. Some people argue that good planning occurs if certain basic principles are adhered to. Examples of such principles are reduced environmental impact, increased social equity, and enhanced productivity. Other people argue that good planning occurs when there is the minimum of dissatisfaction with the results, i.e., when something approaching a consensus is reached among widely differing interests as to how a site should be developed.

Official plans, zoning by-laws, and building permits

F1.7 The basic mechanisms for regulating the use of land in Ontario are **official plans** and **zoning by-laws**. An official plan (which is actually a by-law or a series of by-laws of the council whose plan it is) sets out the general intentions of the council with respect to the use of land in the municipality. A zoning by-law for a particular piece of land sets out in detail exactly what may be built on the site.

F1.8 A municipality's zoning by-laws must be consistent with its official plan (if it has one), as must all of its other by-laws and activities such as the construction of infrastructure.

F1.9 A local municipality's official plan must be consistent with the official plan of its regional municipality—if the regional municipality has an official plan. Indeed, changes in local official plans must, in many cases, be approved by the respective regional (or metropolitan) councils.

F1.10 An official plan of a municipality, local or regional, must also conform to any statements of provincial policy issued by the Cabinet under the authority of the *Planning Act*. Such statements are currently in force concerning affordable housing, the management of flood plains and gravel pits, and the protection of farmland from urban sprawl.

F1.11 A municipality's official plan may be referred by the Minister of Municipal Affairs or other approving agency (such as a regional municipality) to the Ontario Municipal Board for approval when there are outstanding concerns that need to be resolved. The OMB's decision is final, except when there is a question of conformity with a statement of provincial policy, in which case the matter goes to the Cabinet for a final decision. Similar considerations apply to appeals against zoning by-laws.

F1.12 If a land owner wants to build on his or her land in a manner consistent with the existing zoning by-law for that site (and the land is not subject to site plan control—see Sections F1.19-F1.22) then all the owner must do is apply to the municipality for a **building permit**. If the application is in order, and the proposed construction is consistent with the requirements of the *Ontario Building Code* (a provincial statute), the municipality is obliged to issue the permit. There is no requirement for a hearing involving neighbours or anyone else.

F1.13 Thus, buildings may be constructed or altered without anything more than an administrative approval process. However, land owners often want to build more than is permitted in the zoning by-law and even more than might be contemplated in the official plan. Then they must apply to the municipality for the appropriate changes in the by-law or by-laws, and the public, particularly interested parties, must be given a chance to be heard on the matter.

Committees of adjustment, minor variances, and severances

F1.14 If the proposed variance from the zoning by-law is minor, a land owner may apply to the municipality's committee of adjustment for approval. The committee (appointed by but independent of the local council) is authorized under the *Planning Act* to approve minor variances. There is no rule as to what is minor. One rule of thumb that has been employed is that a committee of adjustment has jurisdiction to authorize a change in a standard (say a building height) of less than eleven per cent of what is permitted in the zoning by-law.

F1.15 A committee of adjustment may not approve something that is not allowed at least to some degree in the relevant zoning by-law. It may not, for example, allow a dry-cleaning establishment to operate in an area in which they are forbidden by the zoning by-law.

F1.16 A council may also delegate to its committee of adjustment authority to approve the *severance* of a piece of land into two or three parcels for development.

F1.17 Decisions of a committee of adjustment may be appealed to the Ontario Municipal Board.

Plans of subdivision

F1.18 Where a piece of land is divided into more than three parcels for development, a plan of subdivision must be prepared and approved by the Minister of Municipal Affairs or, where there is a regional municipality, by the regional municipality. Decisions about proposed plans of subdivision may be appealed to the Ontario Municipal Board.

Site plan control

F1.19 A municipality's official plan may designate part or all of the municipality as an area of site plan control. Development in such areas can be more tightly regulated by the municipality, which may require the signing of an agreement concerning such matters as the massing of buildings in relation to their neighbours, details about landscaping, off-street parking and loading facilities, easements for municipal services, and grading for the drainage of storm water.

F1.20 Such a development agreement may not be used to limit further the height or the density of a building.

F1.21 The regional or metropolitan municipality may require that its reasonable concerns are met by a development agreement between a land owner and a local municipality.

F1.22 The approval of development agreements may be delegated to the staff of a municipality.

Development charges

F1.23 A development agreement may require that the land owner construct and maintain certain public facilities at the land owner's cost. Approval of a plan of subdivision may be subject to a similar requirement.

F1.24 Another provision of the *Planning Act* is that a council may require conveyance to the municipality of up to five per cent of the land involved in the development or a cash payment in lieu of the conveyance. The conveyed land may be used by the municipality only for recreational purposes, but a cash payment, or the proceeds of the sale of conveyed land, may be used for any purpose.

F1.25 These various requirements and payments should be distinguished from those authorized by the *Development Charges Act* and those arising from the what is now Section 37 of the *Planning Act* (the bonusing section) —both mentioned above in Sections E2.18 to E2.21. As noted there, the whole matter of development charges of all kinds is under intense discussion and may undergo considerable evolution in the near future.

F1.26 The *Development Charges Act* confers considerable powers upon municipalities—and, to a lesser extent, school boards—to require

developers to pay for development-related infrastructure of all kinds. There is so far no clear case of a developer being required to contribute more than might have been required before passage of the *Act*.

Local vs. regional planning imperatives

F1.27 An important feature of planning in most of the populated parts of Ontario is that municipal jurisdiction over planning and related matters is divided between local and regional (or metropolitan) municipalities.

F1.28 In most places this has not been a cause for conflict in that regional councils comprise only members of local councils; as a result, regional planning directions have usually been no more than a compilation of the local planning directions.

F1.29 Thus regional planning imperatives, chiefly concerning the provision of infrastructure, have often been subordinated to local objectives.

F1.30 With the separate election of most members of the Metropolitan Toronto Council since 1988, there is the possibility that regional imperatives might come to prevail over local imperatives. This will be seen when the Council approves its new Official Plan during 1992 or 1993. The current plan (Metroplan) is basically a consolidation of the official plans of the six local municipalities.

Role of the Office for the Greater Toronto Area

F1.31 No regional or metropolitan municipality in the Greater Toronto Area can properly address regional imperatives—such as the desirable degree of concentration of population within the GTA—because none has responsibility for the region as a whole.

F1.32 Recognizing the need for GTA-wide planning, the provincial government established the Office for the Greater Toronto Area in 1988 with a mandate to secure consensus on the general urban form of the GTA to be realized early in the 21st century.

F1.33 Whether a consensus will amount to good planning for the GTA may depend on what is believed to constitute good planning. The major study commissioned by the OGTA, by the IBI Group and Associates, compared three urban form scenarios for the year 2021 and found that the most extreme scenario—*concentration*—ranked best in 22 out of the 42 criteria used. The least extreme scenario—*spread*, or "business as usual"—ranked

best on six of the criteria, as did the compromise scenario—*nodal*. Versions of the nodal scenario are being promoted as standing the most chance of acceptance throughout the GTA.

F1.34 The concentration scenario would require what many consider to be an unacceptably high level of development within Metropolitan Toronto and a virtual halt to development in the remainder of the GTA. Even though (according to IBI's criteria) concentration might be best for the GTA as a whole, it does not seem good for any part of the GTA.

F1.35 If regional planning is to be no more than the sum of local plans, then there will be no regional plan, only a set of local plans. If there is no regional plan, then there will be no recognition of and adjustment to the economic and social wholeness of the GTA. Each part of the region will go its own way, competing with or duplicating the efforts of its neighbours, and leaving many essential services unprovided for.

The Commission on Planning and Development Reform in Ontario

F1.36 The provincial government has set in motion a process for reviewing the *Planning Act*. A three-person commission was established in 1991 for this purpose, led by former Toronto mayor John Sewell. It is to report in 1993.

F1.37 The thrust of the Commission's work is to clarify the provincial and municipal roles in planning by limiting provincial involvement to ensuring that a clearly defined set of goals are met and giving approval powers (within this provincial framework) to municipalities.

F1.38 The Commission is working to define what the provincial planning goals should be.

F1.39 The Commission may be paying relatively little attention to the question of how regional and local planning imperatives can be reconciled. The direction the Commission seems to be taking is that of leaving responsibility for regional planning with the provincial government.

F1.40 But successive provincial governments have been reluctant to exercise this responsibility in the Greater Toronto Area for some 20 years and there is little indication that things are about to change.

F2. Housing matters

F2.1 In the last forty years, housing has been the subject of many government programs involving the federal, provincial, regional and local levels as well as many non-governmental housing agencies. Some government housing programs have been established to assist in the functioning of the private housing market. Most programs, however, have involved some kind of social housing. While some programs have been designed to assist home owners, increasingly they have been directed to rental housing.

Pre-1964: Canada Mortgage and Housing Corporation and the municipalities

F2.2 Before 1964, the most active governments in Ontario in housing programs were the federal government and the municipalities. Central (later Canada) Mortgage and Housing Corporation, established in 1946, provided mortgage loans directly to individuals and contributed the bulk of the financing for a number of large public housing projects, like Regent Park North and South in Toronto, to which municipalities also contributed.

1964-1975: The Rise of the Ontario Housing Corporation

F2.3 Although the Ontario government had a Housing Branch before 1964, it was not until the Ontario Housing Corporation was created in that year that it became a major actor, supplanting some federal and municipal activities. In the late 1960s and early 1970s, the Ontario Housing Corporation became by far the largest landlord in the province through its construction or purchase of rental housing projects in all the major cities. These housing projects were and still are managed by 56 housing authorities around the province.

F2.4 In the Greater Toronto Area, a housing authority operates in each region and in Metropolitan Toronto—within guidelines established by the Ontario Housing Corporation. About 40 per cent of Ontario's 99,000 public housing rental units for families and seniors are in the Greater Toronto Area, providing low- and moderate-income households with accommodation whose rents are geared to their incomes.

F2.5 Since the mid-1970s there have been almost no new public housing projects created in Ontario. Opposition to large high-rise projects and concerns about the social impact of public housing "ghettos" led authorities in the housing field to experiment with other approaches.

Programs for the private sector

F2.6 During this period the federal government through tax breaks stimulated the construction of rental housing with programs like MURB (multi-unit rental buildings). Canada Mortgage and Housing Corporation operated a **Canadian Home Ownership Savings Plan** at the same time as the province established its **HOME (Home Ownership Made Easy)** plan through which financial assistance was given to families to build homes on leased land.

Non-profit housing

F2.7 Since 1978, the province's activities directed at developing new social housing have concentrated on assisting non-profit organizations to develop and manage housing projects. Non-profit housing is normally supplied by municipalities, by cooperatives or by a variety of private non-profit agencies such as churches and ethnic or community organizations. In order to take advantage of provincial and federal assistance (normally flowing through the province) for non-profit housing, many municipalities established non-profit housing corporations beginning in the mid-late 1970s.

F2.8 Within the Greater Toronto Area, the City of Toronto has a large non-profit corporation, Cityhome, that has been involved in a variety of infill, intensification, and urban redevelopment projects. Other municipalities such as Peel developed non-profit housing projects from the 1970s but they tended to be on green-field sites, as they have been in the other parts of the Greater Toronto Area outside of Metropolitan Toronto. The Metropolitan Toronto government has been in the housing business almost since its inception through the Metropolitan Toronto Housing Company (MTHC), which operates housing projects mainly for seniors. (The MTHC is often confused with the Metropolitan Toronto Housing Authority, which is the local arm of the Ontario Housing Corporation —see Section F2.4 below.)

F2.9 Local non-profit housing projects are funded through a variety of arrangements depending on the programs in place when they were initiated. This has led to some confusion, which the province is trying to simplify, as different administrative requirements may apply to different projects. Until 1979 a municipal financial contribution was always required for the ongoing operation of public and non-profit housing pro-

jects. This is no longer the case; in fact assisted housing projects pay full property taxes; in the case of some provincial public housing projects, grants in lieu of taxes are paid.

F2.10 In the mid-1970s, local non-profit housing corporations often dealt directly with CMHC for financial assistance and advice. For the next several years CMHC and the Ministry of Housing dealt jointly with local housing bodies. Since 1985, the Ministry of Housing alone has dealt with local non-profit housing bodies, except for a limited number of cooperatives that worked with CMHC until the 1992 federal budget.

F2.11 Until 1987, CMHC and the provincial government shared in the financing of subsidies for non-profit housing. As a result of a gradual withdrawal by the federal government, a majority of the new non-profit housing projects developed in the province are now subsidized by the province alone.

F2.12 Two organizations speak for the 1,100 non-profit housing agencies in Ontario: the **Cooperative Housing Association of Ontario (CHAO)** and the **Ontario Non-Profit Housing Association (ONPHA),** which represents the municipal and the private non-profit agencies. In 1991 the Ministry of Housing drafted a paper in conjunction with CHAO and ONPHA entitled *A Housing Framework for Ontario,* which was used as the basis for consultations around the province with builders, tenants, non-profit agencies, and others. The results of this consultation process are now being assessed by the provincial government.

F2.13 The 1992 provincial budget announced plans for 20,000 new non-profit housing units over the next three years. They will be initiated within the framework of principles resulting from the 1991 consultation process. *Over 80 per cent of new rental housing now being developed in Ontario is social housing.*

F2.14 The capital costs of non-profit housing projects are financed through the private capital market with loans insured by the CMHC. Tenants may pay so-called market rents or may qualify for a subsidized rent on a rent-geared-to-income basis. Normally the full economic rent is somewhat above the market rent so that each tenant receives some subsidy from senior levels of government. In theory, any difference between the full economic rent and the market rent will be paid back by the project over time. This is the general situation in non-profit housing projects although there are variations on the specifics.

F2.15 Until the 1970s, public housing was provided almost entirely for people needing income support. One of the reasons for the move from public

housing to non-profit housing was to promote mixed-income housing projects that would draw less local opposition and be better integrated into the community. The province is committed to the support of mixed-income housing but since 1985 federal support has gone only to people with low incomes in non-profit projects. The proportion of rent-geared-to-income tenants in non-profit housing projects has fluctuated as policies have changed.

F2.16 About half of the 134,000 non-profit housing units across the province are provided by private non-profit agencies; about 25 per cent each are provided by cooperatives and municipal agencies. Of the units provided by the private agencies, approximately 40 per cent are for seniors, 40 per cent are for families, and 20 per cent are for singles with special needs. The municipal and cooperative projects, on the other hand, are overwhelmingly composed of family units.

F2.17 For municipalities and other organizations in the Greater Toronto Area interested in providing non-profit housing, the point of contact for setting up a project is the Central Ontario Region office of the Ministry of Housing on the fourth floor of 4950 Yonge Street in North York. This office acts as the agent for CMHC when federal funds are involved, it deals with all local agencies in the region providing housing, and it manages many provincial housing programs directly. Some provincial housing programs are delivered by municipalities on a fee-for-service basis.

Housing rehabilitation and intensification programs

F2.18 Since 1985, the Ministry of Housing has paid increasing attention to the rehabilitation of housing. There was an earlier program of assistance to homeowners to upgrade their houses, the **Ontario Home Renewal Program.** It is still in existence but needs to be updated. This program involved municipalities in establishing trust funds for home renovation by private owners. In 1987, the province created the **Low Rise Rehabilitation Program,** which provides forgivable loans to landlords to upgrade their accommodation. This program, which is delivered by many municipalities in the Greater Toronto Area, is suffering from a shortage of funds.

F2.19 The Ministry also provides funds to enable people of modest incomes to upgrade their houses for disabled members of the household. It has a **Convert-to-Rent Program** that provides assistance for the conversion of warehouses, factories, basements, and other buildings into apartments.

Legislation will be introduced in 1992 or 1993 to make it easier to provide basement and other apartments in private residences.

Housing and planning

F2.20 In the mid-1980s, concerns were being expressed in many quarters that the private housing market was not producing housing for people with low incomes. A review was undertaken within the provincial government of the impediments in the planning system to the development of more affordable housing. As a result of work in the Ministries of Housing and Municipal Affairs, a **Land Use Planning for Housing Policy** statement was formally adopted in 1989 as a provincial policy under the *Planning Act*. In this policy statement are clauses supporting greater urban intensification and requiring at least 25 per cent of the units in new housing projects to be available for people with low incomes.

F2.21 The Ministry of Housing is working closely with the two major planning exercises now going on in the province. The Housing Policy Branch has been represented on task forces elaborating a strategic vision for the Greater Toronto Area. The Ministry is also working closely with the Sewell Commission on planning policies and procedures.

Rent control

F2.22 Rent review was first established in Ontario in 1975 as part of a national anti-inflation program. Its administration was only transferred to the Ministry of Housing in recent years. Rent control is now seen throughout the provincial government as a permanent part of provincial housing policy.

Provincial expenditures on housing

F2.23 In 1991-1992 the Ministry of Housing's budget for assisted housing was $620 million. This sum was dwarfed by the $2 billion included in the budget of the Ministry of Community and Social Services for shelter allowances for people in receipt of social assistance. Currently in Ontario, over 30,000 people receiving shelter allowances are living in assisted housing units and over 70,000 people in assisted housing units are receiving social assistance. The province also allocates about $900 million in tax grants for housing such as the property tax grants for seniors program.

Current Canada Mortgage and Housing Corporation role

F2.24 Recently there have been many indications that the federal government is turning over much of its housing role to the provinces. The federal constitutional proposals tabled in September 1991 identified—to the surprise of CMHC—housing as an area the federal government was prepared to abandon. The recent federal budget announced the elimination of federal assistance for cooperative housing. Currently the federal government through CMHC is involved in four areas of housing:

- Funding existing housing commitments such as the public housing projects of the Ontario Housing Corporation and many existing non-profit projects. This funding continues as part of a set of formal agreements.

- Funding new non-profit, rural, and native housing. Much of this assistance is extremely vulnerable to federal withdrawal or budget cuts.

- Mortgages and mortgage insurance—an area that has been profitable. The federal government is now one of only two providers of mortgage insurance in Canada.

- Research, and analysis of information on housing provided by Statistics Canada. This is a valuable service to all involved in housing matters in Canada.

The municipal role in housing

F2.25 The role of municipalities in the housing field has waxed and waned over the years. Before 1964, Metro Toronto and the City of Toronto were active participants in housing programs. They were the prime assemblers of land, for example, for large public housing projects. From 1964 until the mid-1970s, the province took over several municipal functions. Since then many municipalities in the Greater Toronto Area, including Peel, York, Durham, Halton, and the City of Toronto, have become more active through the establishment of non-profit housing corporations. The Metropolitan Toronto Housing Company, which has been in existence for over 30 years, is a major supplier of housing for senior citizens.

F2.26 Cityhome in Toronto not only operates non-profit housing projects, but also assembles land for other non-profit housing agencies. It operates for community groups as a developer and project manager and as an advocate

through the approvals process, as well as delivering many provincial programs. Cityhome promotes intensification through outreach projects and works with private builders and developers and non-profit agencies to provide mixed housing and commercial projects. In the early years Cityhome developed several large projects in the 300-unit range. More recently it has focused on smaller projects in existing neighbourhoods where services are already in place. It manages a wide range of projects from scattered houses to low-rise and high-rise apartment complexes.

F2.27 The municipal housing corporations in the various regions of the Greater Toronto Area carry out many of the same activities as Cityhome. Their projects are normally in new developments, as opposed to the concentration on urban redevelopment in Toronto. The municipal corporations work in parallel with the provincially-appointed housing authorities that manage public housing projects for the Ontario Housing Corporation.

G. Municipal Organization

G1. Alternative organizational structures within municipalities

The council-committee model

G1.1 The model originally used in most Ontario municipalities, and which is still in use in most small municipalities, is the council-committee model. In this model, council meets both as a whole and in a number of standing and special committees. The various departments report through their heads to one of the standing committees. This model has the advantage of frequent contact between council members and other municipal officials. It also normally provides for easy access by private citizens to both council and staff members through the council committee. It can result in some councillors becoming specialists in particular areas of municipal activity.

G1.2 The major disadvantage of this system, particularly in larger municipalities, is that it provides for little coordination of municipal activities except through council itself or an overburdened head of council. All levels of government have in recent years recognized that most of the pressing issues facing them have implications across the range of government activities. Setting priorities among competing demands on the municipal budget, reviewing the environmental implications of municipal projects and plans, and assessing the social and policing implications of different housing configurations require an organizational structure and process that produces corporate rather than just departmental decisions.

Council-chief administrative officer model

G1.3 This system is common in the United States but became popular in many parts of Canada, particularly in Quebec, in the early years of the century. The Ontario *Municipal Act* did not give municipalities the power to appoint a CAO until 1970. In its present form, still common in the U.S., the chief administrative officer system separates the policy function, which is reserved for the council, from the administration of council staff and the implementation of municipal programs, which are the responsibility of the city manager or CAO. This has led in the U.S. to some city managers assuming a higher profile than the mayor.

G1.4 In Ontario, most of the regional governments and many other medium and large-size municipalities have a CAO, who is by no means as powerful as the typical American city manager. The role of an Ontario CAO often grew from that of a clerk-treasurer, responsible for many of the central functions of a municipality but without any authority over other department heads. Most Ontario CAOs are at least "first among equals" in relation to department heads. They act as the chief support to the head of council and are responsible for ensuring the coordination across municipal departments of policy recommendations to council. Some municipalities have tried to ensure coordination among the staff departments without a CAO, using a committee of the heads of departments as the conduit for overall recommendations to the council.

Coordination at the political level

G1.5 Most large cities in Ontario used to operate with a board of control, the members of which, like the mayor, were elected at large. The board was meant to function like an executive committee of council. There was often conflict on council because the controllers were not usually united behind specific policies and were often potential challengers for the mayoralty. Today, most large municipalities have some kind of executive or management committee of council, chaired by the head of council, that has a leadership role often including the shaping of the municipal budget.

Alternative structures for the management of regional issues

G1.6 The geographic implications of most municipal issues extend beyond the boundaries of single municipalities. Initially, the rationale for two-tier local government in Ontario, through counties or regional governments, was to give the upper tier the responsibility for many issues, including broad land-use planning and transportation, that extended beyond the boundaries of a single municipality. The Smith Committee in 1967 recommended that all of Southern Ontario be covered by 22 metropolitan and county regional governments, on the premise that the old counties were not sufficiently powerful. The government decided to create regional governments in the heavily urban areas where urban pressures surrounding cities were greatest.

G1.7 In addition to the creation of regional governments, the provincial government has strengthened the county structure in some parts of the province, including Oxford, Simcoe, and Lambton counties, and in other

areas has arranged for annexations by central cities of parts of surrounding municipalities.

The Greater Toronto Area

G1.8 The creation of the Office for the Greater Toronto Area in 1988 reflected the recognition that the real urban region centred on Metropolitan Toronto is not manageable by the regional governments established 20 years ago. Whether the coordination and planning exercise that has been undertaken by the OGTA will lead to changes in government structure is uncertain.

G1.9 Another way of dealing with issues extending beyond municipal frontiers has been the creation of special purpose bodies: by the provincial government, by several municipalities or by a provincial-municipal agreement. Thus conservation authorities normally include many municipalities in one or more watersheds. GO Transit is tied to the rest of the GTA's transportation system through a regional coordinating agency. Regional bodies to coordinate airport planning and waste disposal have been discussed.

G1.10 Creation of more special purpose bodies may result in better provision of a particular service, but problems of accountability, poorer coordination with other programs, and a weakening of the decision-making autonomy of municipalities are almost certain to result.

G2. The role of political parties at the municipal level

The Toronto region

G2.1 At present the New Democratic Party is the only party active in municipal politics in the Toronto area. The Liberal Party ran candidates for mayor and several council seats in 1969, winning two seats, and some candidates identified themselves on their signs as Liberals in the 1991 elections. A Civic Action group (CIVAC), which was a grouping of candidates around a set of local issues, elected a number of councillors in Toronto in the late 1960s and early 1970s. In the 1991 election, a group calling itself "Team Toronto" unsuccessfully ran candidates in several Toronto wards. Many candidates have known political affiliations but do not run as party candidates.

G2.2 In other jurisdictions, political parties operating at the municipal level have been much more common than in Ontario. In most European countries, the national political parties run slates of candidates in municipal elections. In Quebec, municipal political parties with formal platforms and party discipline dominate politics in most of the larger municipalities. In Winnipeg, most municipal elections are fought between candidates of the NDP and of the Independent Civic Election Committee (ICEC), which is essentially a local political party supported largely by business interests. In Vancouver, recent elections have been fought by the Committee of Progressive Electors (COPE) often in league with the NDP, the Non-Partisan Association (NPA), a business-oriented pro-development party, and The Electors Action Movement (TEAM), a coalition of reformers and business interests. Most of these local election battles have tended to be between business-oriented groups on the one hand, and so-called "citizens' groups" or the NDP on the other.

Arguments for party politics at the local level

G2.3 Among the arguments in favour of organized political party activity at the local level are:

- The creation of a governing majority provides the basis for concerted local action. An executive committee can be established that can function somewhat like a federal or provincial cabinet.
- The existence of an organized opposition group can lead to more effective scrutiny of municipal activities.
- With political parties elected on the basis of party platforms, the operations of council can be more understandable and accountable to the public. Increased public awareness of issues should then lead to greater public interest and higher voter turnout.

Disadvantages of political parties

G2.4 In Ontario at least, formal political organization at the local level has not proved to be popular. Among the reasons cited by opponents of party organization are the following:

- The introduction of partisan politics would tend to create division and polarization where it does not now exist, in part

because many local decisions, it is argued, are not inherently political.

- If one party maintains power for a long period as was the case in Montreal with Jean Drapeau's Civic Party, there will likely be a decreased sensitivity to the public and a greater probability of abuse.

- If local political activity is organized on the basis of national or provincial parties, there is a danger that local elections will be decided on the basis of national or provincial political concerns or issues, to the neglect of local concerns.

- Locally-oriented parties seldom exhibit ongoing discipline or improved accountability. They tend to be coalitions of local interests that may fragment at short notice.

G3. Part-time vs. full-time councillors

Full-time councillors are becoming more common

G3.1 Much of the writing about municipal government assumes that councillors are part-timers—just as it was assumed a few years ago that MPs and MPPs all had other jobs. Increasingly, councillors in larger municipalities are full-time legislators and are paid as such. Practice varies in the municipalities of the Greater Toronto Area, but many councillors outside Metropolitan Toronto are now full-time councillors too. In smaller municipalities, the mayor may be the only local politician to be full-time, and in some municipalities, the mayor is part-time too.

G3.2 The emergence of full-time councillors raises issues concerning salary levels, support staff, relations with the bureaucracy and the relative roles of councillors and the bureaucracy of the municipality. Andrew Sancton and Paul Woolner examined these issues in an article in the winter 1990 issue of *Canadian Public Administration,* on which the remainder of this section is based.

Remuneration

G3.3 Outside reviews of appropriate salary benefits for municipal councillors have depended on whether the reviewers thought councillors should be

"gifted amateurs," to use the model favoured in Britain, or be treated as full-time professionals. An Ottawa study opted in 1987 for remuneration levels at full-time rates, while a 1986 Edmonton study assumed that councillors should be part-time. In Montreal and Quebec City, where there are governing local political parties, members of the executive committee act like a cabinet and receive more pay than ordinary council members, who are assumed not to be full-time.

Personal staff

G3.4 The major cities of Canada have a variety of practices related to the provision of personal staff for councillors. The minimum is zero, and the maximum is three support staff per councillor. The rationale would appear to be that full-time councillors need some research and clerical support. In some municipalities, such support is provided by seconded municipal staff, occasionally placing such staff in an awkward dual reporting relationship. Things seem to work better when councillors are given an allowance that enables them to hire their own staff on contract.

Relations with the bureaucracy

G3.5 The more time councillors spend on municipal business, the more contact they have with municipal staff. In some instances, this has created problems for the staff if requests from councillors interfere with other work. Some full-time councillors have become so involved with day-to-day administrative issues they have impeded the efficient management of civic departments. This is an issue that should be amenable to amicable solution with both sides agreeing on guidelines that ensure provision of needed information to councillors without hindering the administration of departments.

Roles of councillors

G3.6 In non-partisan municipal councils, individual councillors have considerable leeway in choosing the roles they wish to adopt. Sancton and Woolner suggest there are at least six roles that full-time municipal politicians can choose from, although most will consciously or unconsciously spend much more time in some roles than others.

G3.7 **Policy-maker or quasi-cabinet minister.** Councillors who aspire to and are appointed to executive committees of council, or to head major standing committees, act in some respects like a cabinet minister in a

parliamentary system. But, it is only in a system with party discipline and a mayor heading a majority party, as in Quebec or Montreal, that such councillors approach the full role of a minister.

G3.8 **Citizen Mobilizers.** Many "reform" politicians see their role as helping to lay the groundwork for significant social change. Such councillors tend to spend much of their time out of city hall working on various issues, and little time on the details of municipal matters not within their areas of major interest.

G3.9 **Corporate managers.** Many full-time councillors take the view that their prime responsibility is for the wise expenditure of the taxpayer's dollar. They are the ones who tend to become most immersed in the details of municipal expenditure, and who run the greatest risk of conflict with senior municipal officials.

G3.10 **Servants of the ward.** These are the councillors who try to respond to every complaint and attend every possible function in the ward while building up support for the next election. They tend to be more concerned with municipal expenditures in the ward than with broader or longer-term issues.

G3.11 **Pro-mayors.** Sancton and Woolner say that most councils have one or two members who are always willing and able to represent the mayor or the city at conventions, receptions or other events where someone with a strong stomach and a liking of the ceremonial is required. They can be especially useful if the mayor does not like this aspect of his or her job.

G3.12 **Municipal delegate.** Finally, there are those council members who seek positions on national or provincial associations, on special task forces, or as the municipality's delegate on a variety of special purpose bodies or other institutions. Such councillors, if they are serious about their responsibilities, can be of considerable value to a municipality.

Conclusion

G3.13 There is no job description for a municipal councillor. Much of the traditional approach to organizing municipalities has been based on the assumption that councillors are part-time and that there is a sharp distinction between them and the bureaucracy. Moving to a situation where more and more councillors are full-time requires a more flexible and less hierarchical bureaucracy, more opportunities for politicians and civil servants to work together, more training on how the political and administrative

systems work, and the establishment of guidelines for remuneration, staff support, and the relative roles of councillors and other senior officials.

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Municipal Officials in the Great Toronto Area

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Exhibit 10: The Greater Toronto Area showing the thirty local and five regional municipalities

Regional Municipality of Durham

P.O. Box 623
605 Rossland Rd. E.
Whitby, Ontario
L1N 6A3
Tel. (416) 668-7711
Fax (416) 668-9963

Members of the Durham Regional Council:

Chair:
Gary Herrema (668-7711 x4235)
Other members:
Ajax: James Y. Witty (683-4550 x332), Roger Anderson (686-1864), Susan Dulmy (619-1284). *Brock:* Donald Hayden (705-357-3704), David Marquis (705-357-2452). *Newcastle:* Diane Hamre (623-3379 x236), Ann Dreslinski (623-3379 x236), Larry Hannah (623-3379 x236), Ken Hooper (623-3379 x236). *Oshawa:* Nancy Diamond (436-5600), John Aker (436-5605), W. Michael Armstrong (436-5611), Pauline Beal (436-5604), David Conway (436-5614), Linda Dionne (436-5602), Irvine A. Harrell (436-5610), Brian Nicholson (436-5603), Nester Pidwerbecki (436-5615), James H. Potticary (436-5607), Margaret Shaw (436-5609). *Pickering:* Wayne Arthurs (420-4600), Maurice Brenner (420-4605), Rick Johnson (420-4605), Kip Van Kempen (420-4605). *Scugog:* Wm. Howard Hall (985-7356), Yvonne Christie (985-2254). *Uxbridge:* Gerri Lynn O'Connor (852-9181 x51), Susan Para (852-9181 x53). *Whitby:* Ross Batten (655-4778), Marcel Brunelle (668-4663), Joseph Drumm (668-6756), Tom Edwards (668-5803 x200).

Other senior officials:

Chief Administrative Officer
Don R. Evans (668-7711 x4234)

Chief of Police
T. McCagherty (579-1520 x237)

Commissioner of Economic Development
Pat W. Olive (668-8000 x5395)

Commissioner of Finance
Jack L. Gartley (571-3311 x6210)

Commissioner of Human Resources

Terry E. Stevens (668-7711 x4232)

Commissioner of Planning
Mofeed R. Michael (728-7731 x3231)

Commissioner of Social Services
Gary H. Cubitt (432-6150 x150)

Commissioner of Works
Victor A. Siligailis (668-7721 x5234)

Direct of Infomration Systems
J. Hermes (571- 3311x6215)

Medical Officer of Health
Robert J. Kyle (723-8521 x2117)

Regional Clerk
Cecil W. Lundy (668-7711 x4243)

Solicitor
Brian J. Roy (668-7711 x4242)

Town of Ajax

65 Harwood Avenue South
Ajax, Ontario
L1S 2H9
Tel. (416) 683-4550
Fax (416) 686-8352

Members of the Town of Ajax Council:

Mayor:
James Y. Witty (683-4550 x332)
Other members:
Roger Anderson (686-1864), Pat Brown (683-4926), Scott A. Crawford (683-0842), Susan Dulmy (619-1284), Jim McMaster (683-5315), Steve Parish (683-9450), Frank T. Schaper (683-6638).

Other senior officials:

Chief Administrative Officer
David J. Low (683-4550 x333)

Clerk and Deputy C.A.O.
Albert T. Hodges (683-4550 x336)

Director of Business Development
Grant Whittington (683-4550 x220)

Director of Engineering and Works
Frank J. Hull (683-4550 x230)

/continued

/Ajax, continued

Director of Human Resources
Richard Parisotto (683-4550 x345)

Director of Parks and Recreation
Tom W. Flood (427-8811)

Director of Planning
Peter C. Tollefsen (683-4550 x200)

Director of Transit
Terry N. Barnett (683-4550 x427-5710)

Fire Chief
Mervyn R. Evans (683-3050)

Treasurer
Greg D. Kirkbride (683-4550 x309)

Township of Brock

P.O. Box 10
Cannington, Ontario
L0E 1E0
Tel. (705) 432-2681
Fax (705)

Members of the Township of Brock Council:

Mayor:
Donald Hayden (705-357-3704)

Other members:
Terry Clayton (705-426-7104),
Dan Collins (705-357-3856),
John Grant (705-426-7359),
David Marquis (705-357-2452),
Bonnie Purvis (705-357-3997),
Reg Starr (705-432-2886).

Other senior officials:

Clerk and Administrator
George Graham (705-426-7723)

Chief Building Official
Donald Warner (705-426-7723)

Fire Chief
Robert E. Graham (705-426-7641)

Superintendent of Roads and Public Works
Michelle E. Hendry (705-426-7723)

Treasurer
Margaret E. Shier (705-357-3598)

Town of Newcastle

40 Temperance Street
Bowmanville, Ontario
L1C 3A6
Tel. (416) 623-3379
Fax (416) 623-4169

Members of the Town of Newcastle Council:

Mayor:
Diane Hamre (623-3379 x236)

Other members:
Ann Dreslinski (623-3379 x256),
Larry Hannah (623-3379 x256),
Ken Hooper (623-3379 x256),
Mary Novak (623-3379 x256),
John O'Toole (623-3379 x256),
David Scott (623-3379 x256)

Other senior officials:

Chief Administrative Officer
Lawrence E. Kotseff (623-3379 x265)

Director of Community Services
Joseph Caruana (623-3379 x269)

Director of Planning and Development
Franklin Wu (623-3379 x210)

Director of Public Works
Walter Evans (623-3379 x280)

Fire Chief
Michael Creighton (623-3379 x243)

Town Clerk
Patti L. Barrie (623-3379 x254)

Treasurer
Marie Marano (623-3379 x237)

City of Oshawa

50 Centre Street South
Oshawa, Ontario
L1H 3Z7
Tel. (416) 725-7351
Fax (416) 436-5697

Members of the City of Oshawa Council:

Mayor: Nancy Diamond (436-5600)

Other members:

John Aker (436-5605), W. Michael Armstrong (436-5611), Pauline Beal (436-5604), David Conway (436-5614), Linda Dionne (436-5602), Irvine A. Harrell (436-5610), Joseph B. Kolodzie (436-5612), Edward Marks (436-5613), Brian Nicholson (436-5603), William Paterson (436-5616), Nester Pidwerbecki (436-5615), James H. Potticary (436-5607), Margaret Shaw (436-5609), Judith M. Spring (436-5608), Jack Wiley (436-5606).

Other senior officials:

Chief Adminstrative Officer
D. R. Evans (725-7351 x4234)

City Clerk
Robert A. Henderson (436-5639)

City Solicitor
Hugh Couch (725-7351 x387)

Director of Community Services
Tim Nelson (725-7351 x391)

Director of Economic Development
Robert J. Nicol (436-5617)

Director of Personnel
Brian D. Gough (725-7351 x666)

Director of Planning and Development
Ted Goodchild (725-7351 x268)

Director of Public Works
Murdoch Robertson (725-7351 x238)

Treasurer & Director of Finance
Curtis W. Keil (725-7351 x270)

Town of Pickering

One The Esplanade
Pickering, Ontario
L1V 6K7
Tel. (416) 420-2222
Fax (416) 420-0515

Members of the Town of Pickering Council:

Mayor: Wayne Arthurs (420-4600)

Other members:

Maurice Brenner (420-4605), Eileen Higdon (420-4605), Rick Johnson (420-4605), Kip Van Kempen (420-4605), Enrico Pistritto (420-4605), Doug Wellman (420-4605).

Other senior officials:

Town Manager
Noel C. Marshall (420-4610)

Director of Community Services and Facilities
Thomas J. Quinn (420-4620)

Director of Planning
Neil Carroll (420-4617)

Director of Public Works
Stephen A. Vokes (420-4630)

Director of Transportation
George Papik (683-1179)

Fire Chief
Steve Stewart (839-8095)

Town Clerk
Bruce Taylor (420-4611)

Town Solicitor
C.M. Timothy Sheffield (420-4626)

Treasurer-Collector
James Walls (420-4614)

Township of Scugog

181 Perry Street
P.O. Box 780
Port Perry, Ontario
L9L 1A7
Tel. (416) 985-7346
Fax (416) 985-9914

Members of the Township of Scugog Council:

Mayor:
Wm. Howard Hall (985-7356)

Other members:
Ken Carruthers (985-0929 or 985-9537), Yvonne Christie (985-2254), David Dietlein (986-5380), Ken Gadsden (985-4294), Harvey Graham (986-4856), Marilyn Pearce (985-9250).

Other senior officials:

Clerk
Earl Cuddie (985-7346)

Roads Superintendent
Ronn MacDonald (985-7346)

Treasurer
Kathleen Harper (985-7346)

Township of Uxbridge

51 Toronto Street South
Uxbridge, Ontario
L9P 1T1
Tel. (416) 852-9181
Toronto Line 649-1939
Fax (416) 852-9674

Members of the Township of Uxbridge Council:

Mayor:
Gerri Lynn O'Connor (852-9181 x51)

Other members:
Larry Austin (852-9181 x53), Bev Beach (852-9181 x53), Barry Bushell (852-9181 x53), Ron Johnson (852-9181 x53), Beverly Northeast (852-9181 x53), Susan Para (852-9181 x53)

Other senior officials:

Chief Administrative Officer
Alex Grant (852-9181 x37)

Chief Building Official
Blain Lalonde (852-9181 x45)

Clerk
Walter Taylor (852-9181 x40)

Fire Chief
Norm James (852-3393 or 852-6133)

Treasurer
Ron Mitchell (852-9181 x48)

Town of Whitby

575 Rossland Road East
Whitby, Ontario
L1N 2M8
Tel. (416) 668-5803
Fax (416) 668-7005

Members of the Town of Whitby Council:

Mayor:
Tom Edwards (668-5803 x200)

Other members:
Ross Batten (655-4778), Marcel Brunelle (668-4663), John Dolstra (668-9595), Joseph Drumm (668-6756), Dennis Fox (668-5143), Judi Longfield (668-1173), Don Mitchell (655-8341).

Other senior officials:

Administrator
William H. Wallace (668-5803 x211)

City Clerk
Donald G. McKay (668-5803 x222)

Director of Parks and Recreation
Larry Morrow (668-5803 x214)

Director of Personnel
Duane Reid (668-5803 x289)

Director of Planning
Robert Short (668-5803 x316)

Director of Public Works
Wayne Hancock (668-5803 x262)

Fire Chief
Tony Van Doleweerd (668-3312)

Treasurer
Al Claringbold (668-5803 x232)

Regional Municipality of Halton

1151 Bronte Road
P.O. Box 7000
Oakville, Ontario
L6J 6E1
Tel. (416) 825-6000
Fax (416) 827-1751

Members of the Halton Regional Council:

Chair: Peter Pomeroy (825-6115)

Other members:

Burlington: Bob Brechin (637-8415), Don Carter (634-3849), Douglas Greenway (632-7931), Walter Mulkewich (335-7606), Barry Quinn (335-5453), Joyce Savoline (335-5065), Ralph Scholtens (335-4800), Tony Whitworth (335-8932), Bob Wood (634-9142). *Halton Hills:* Rick Bonnette (675-3111 x4511), Pam Johnston (877-8877), Russell Miller (873-2600), Bill Robson (877-0253), Marilyn Serjeantson (873-4977); *Milton:* Brad Clements (876-6576), Gordon Krantz (878-7211 x100), Barry Lee (519-824-0679). *Oakville:* Liz Behrens (338-4255), Keith Bird (338-4255), Kevin Flynn (338-4255), Bill Logan (338-4255), Ann Mulvale (338-4173), Fred Oliver (338-4255), Stephen Sparling (338-4255).

Other senior officials:

Chief of Police
W. James Harding (825-4777 x5051)

Commissioner and Medical Officer of Health
Dr. Bob Nosal (825-6000 x7806)

Commissioner of Finance and Regional Treasurer
Joe Rinaldo (825-6000 x7006)

Commissioner of Human Resources
Greg Hughes (825-6000 x7264)

Commissioner of Legal Services and Corporate Counsel
Mark Meneray (825-6225 x7239)

Commissioner of Planning and Development
Rash Mohammed (825-6161 x7198)

Commissioner of Public Works
Art Leitch (825-6030 x7699)

Commissioner of Social Services
Bonnie Ewart (825-8888 x7135)

Executive Director of Business Development
Brent Kearse (825-6300 x7227)

Manager of Building Services
Harald Matthiessen (825-6800 x7245)

Regional Clerk
Joan Eagleshan (825-6225 x7237)

City of Burlington

426 Brant Street
Box 5013
Burlington, Ontario
L7R 3Z6
Tel. (416) 335-7777
Fax (416) 335-7881

Members of the City of Burlington Council:

Mayor:
Walter Mulkewich (335-7606)

Other members:
Bob Brechin (637-8415), Mark Carr (335-5608), Don Carter (634-3849), Douglas Greenway (632-7931), Norman Groves (632-2086), Denis Lee (332-9118), Joan Lougheed (634-6488), Robert MacIsaac (639-2335), Barry Quinn (335-5453), Jim Ryan (634-8734), Joyce Savoline (335-5065), Ralph Scholtens (335-4800), John Taylor (335-7968), David Trueman (632-9887), Tony Whitworth (335-8932), Bob Wood (634-9142).

Other senior officials:

City Manager
W. Michael Fenn (335-7777 x609)

City Clerk and Executive Director of Information Services
Helen MacRae (335-7777 x697)

City Solicitor and Executive Director of Corporate Services
Doug Brown (335-7777 x611)

Director of Building
Dan Mousseau (335-7628 x628)

/continued

/Burlington, continued

Director of Civic Operations
Bob Young (335-7777 x690)

Director of Finance and City Treasurer
Robert J. Rooks (335-7777 x652)

Director of Human Resources
Michael C. McGuire (335-7777 x601)

Director of Management Information Systems
Richard Dawai (335-7777 x776)

Director of Parks and Recreation
James Olmstead (335-7729)

Director of Transit
Vince Mauceri (335-7777 x763)

Executive Director of Community Services
Tim Dobbie (335-7777 x883)

Executive Director of Planning and Development
Gary E. Goodman (335-7777 x643)

Executive Director of Public Works
Mathieu Koevoets (335-7777 x684)

Fire Chief
Terry Edwards (335-7777 x886)

Town of Halton Hills

1 Halton Hills Drive
P.O. Box 128
Georgetown, Ontario
L7G 5G2
Tel. (416) 873-2600
Toronto Line 798-4730
Fax (416) 873-2347

Members of the Town of Halton Hills Council:

Mayor: Russell Miller (873-2600)

Other members:

Rick Bonnette (675-3111 x4511), Ron Chatten (877-3579), Al Cook (877-5753), Anne Currie (877-4133), Norm Elliott (877-5113), Kathy Gastle (877-7059), Robert Heaton (877-9710), Pam Johnston (877-8877), Gerald Rennie (456-1906), Bill Robson (877-0253), Gail Rutherford (873-6665), Marilyn Serjeantson (873-4977).

Other senior officials:

Dan Costea
Town Administrator (873-2600 x341)

Ian S. Keith
Director of Planning (873-2600 x296)

Tom L. Shepard
Director of Recreation and Parks (873-2600 x265)

Bill E. Cunningham
Fire Chief (873-2600 x205)

Janet Lunn Stewart
Town Clerk (873-2600 x337)

Ray King
Treasurer (873-2600 x250)

Town of Milton

Victoria Park Square
P.O. Box 1005
Milton, Ontario
L9T 4B
Tel. (416) 878-7211
Fax (416) 878-6995

Members of the Town of Milton Council:

Mayor:
Gordon Krantz (878-7211 x100)

Other members:
Colin Best (878-3623), Gerry Brooks (854-9826), John Challinor II (878-7638), Brad Clements (876-6576), Richard B. Day (878-3953), Marion Howard (878-2989), Barry Lee (519-824-0679), Art Melanson (878-9502), Brian Penman (878-9529).

Other senior officials:

Chief Administrative Officer
David Hipgrave (878-7211 x)

Director of Building and Enforcement
John DeVries (878-7211 x150)

Director of Finance and Treasurer
Jim McQueen (878-7211 x140)

Director of Leisure Services
Jennifer Reynolds (878-7211 x180)

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Milton, continued

Director of Planning (Acting)
John Fior (878-7211 x120)

Director of Public Works
John D. Matthews (878-7211 x160)

Fire Chief
Richard Playfair (878-7211 x200)

Town Clerk
William Roberts (878-7211 x132)

Town of Oakville

1225 Trafalgar Road
Box 310
Oakville, Ontario
L6J 5A6
Tel. (416) 845-6601
Fax (416) 845-4874

Members of the Town of Oakville Council:

Mayor:
Ann Mulvale (338-4173)

Other members:
Liz Behrens (338-4255), Keith Bird (338-4255), Mark Brown (338-4255), Kevin Flynn (338-4255), Kathy Graham (338-4255), Bill Logan (338-4255), Fred Oliver (338-4255), Ralph Robinson (338-4255), Jim Smith (338-4255), Todd Smith (338-4255), Stephen Sparling (338-4255), Sean Weir (338-4255).

Other senior officials:

Town Manager
Harry Henderson (878-7211 x3002)

Director of Development and Community Planning
Ted Salisbury
338-4185)

Director of Finance & Treasurer
Michelle Seguin (878-7211 x3062)

Director of Human Resources
Geri Zubyk
338-4400)

Director of Parks and Recreation
Bob Perkins (878-7211 x3112)

Director of Public Works
Hal Ellis (878-7211 x3300)

Director, Purchasing and Office Services
Roger Cournoyer (878-7211 x3087)

Fire Chief
Wayne Gould (338-4426)

Town Clerk
Judith Muncaster (338-4178)

Town Solicitor
Doug Gates (878-7211 x3018)

Municipality of Metropolitan Toronto

55 John Street
Toronto, Ontario
M5V 3C6
Tel. (416) 392-9111
Fax (416) 392-6990

Members of the Metropolitan Toronto Council:

Chair:
Alan Tonks (392-8001)
Other members:
Brian Ashton (392-4052), Maria Augimeri (392-4021), Ila Bossons (392-4096), Fergie Brown (392-4093), Scott Cavalier (392-4050), Raymond Cho (392-4076), Olivia Chow (392-4044), Paul Christie (392-4082), Mike Colle (392-4087), Dennis Fotinos (392-4069), Norman Gardner (392-4020), Mario Gentile (392-4066), Lois Griffin (392-4026), Brian Harrison (392-4017), Roger Hollander (392-4060), David Johnson (392-4035), Anne Johnston (392-4090), Bake Kinahan (392-4041), Joan King (392-4038), Marie Labatte (392-4061), Mel Lastman (392-4075), Ken Morrish (392-4055), Howard Moscoe (392-4027), Dick O'Brien (392-4099), Peter Oyler (392-4031), Joe Pantalone (392-4011), Maureen Prinsloo (392-4047), June Rowlands (392-4081), Bev Salmon (392-4012), Derwyn Shea (392-4072), Bruce Sinclair (392-4000), Joyce Trimmer (392-4007)

Other senior officials:

Chief Administrative Officer
Dale E. Richmond (392-8681)

Chief General Manager, Toronto Transit Commission
Al Leach (393-4000)

Chief of Police
William McCormack (324-6020)

Commissioner of Ambulance Services
John Dean (392-2200)

Commissioner of Community Services
Don Richmond (392-8302)

Commissioner of Corporate Services
Chris Roberts (397-0820)

Commissioner of Finance and Treasurer
John L. Pickard (392-8065)

Commissioner of Parks and Property
Robert G. Bundy (392-8140)

Commissioner of Personnel
Peter E. Ferguson (392-8677)

Commissioner of Planning
John A. Gartner (392-8108)

Commissioner of Transportation
Douglas P. Floyd (392-8300)

Commissioner of Works
Robert G. Ferguson (392-8200)

General Manager, Metro Licensing Commission
Carol Ruddell-Foster (392-3071)

Metropolitan Auditor
Allan Andrews (392-8030)

Metropolitan Clerk
Daniel Crombie (392-8010)

Metropolitan Solicitor
Osmond Doyle (392-8040

Borough of East York

850 Coxwell Avenue
East York, Ontario
M4C 5R1
Tel. (416) 778-2000
Fax (416) 466-4170

Members of East York Borough Council:
Mayor:
David J. Johnson (778-2022)
Other members:
David Anderson (778-2029), Bob Dale (778-2031), Jenner Jean-Marie (778-2032), Lorna Krawchuk (778-2028), Case Ootes (778-2030), John Papadakis (778-2027), Michael Prue (778-2035), George Vasilopoulos (778-2033)

Other senior officials:

Borough Clerk
William Alexander Jr. (778-2001)

Chief Building Official
Zenon Tatarsky (778-2232)

Chief Building Official
Zenon Tatarsky (778-2232)

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/East York, continued

Commissioner of Parks and Recreation
Claire Tucker-Reid (778-2180)

Commissioner of Planning
Richard Tomaszewicz (778-2040)

Commissioner of Works and the Environment
Paul G. Cockburn (778-2210)

Director of Personnel
Jim Colquhoun (778-2071)

Fire Chief
John Miller (396-3750)

Medical Officer of Health
Sheela Basrur (461-8136 x8540)

Treasurer
Eric Nichols (778-2060)

City of Etobicoke

399 The West Mall
Etobicoke, Ontario
M9C 2Y2
Tel. (416) 394-8000
Fax (416) 394-8895

Members of the City of Etobicoke Council:

Mayor:
Bruce Sinclair (394-8636)

Other members:
Ross Bissell (394-8650), Elizabeth Brown (394-8643), Alex Faulkner (394-8643), Brian Flynn (394-8650), John Hastings (394-8650), Douglas Holyday (394-8650), Mary Huffman (394-8643), Brian Ineson (394-8643), Irene Jones (394-8650), Gloria Lindsay Luby (394-8643), Alexander C. Marchetti (394-8643), Michael O'Rourke (394-8650)

Other senior officials:

City Manager
David G. Deaves (394-8920)

City Clerk
Ronald S. Gillespie (394-8071)

City Treasurer
Richard A. Field (394-8457)

Commissioner of Buildings
Antonio W. Chow (394-8006)

Commissioner of Personnel
Stan Keith (394-8166)

Commissioner of Planning
Karen V. Bricker (394-8211)

Commissioner of Works
Paul A. Mitcham (394-8341)

Fire Chief
Donald E. Ramsay (394-8634)

Medical Officer of Health
Alwyn M. Egbert (394-8263)

Secretary-Treasurer, Committee of Adjustment
Deirdre Mungovan (394-8063)

Tax Collector
James Kirk (394-8324)

City of North York

5100 Yonge Street
North York, Ontario
M2N 5V7
Tel. (416) 224-6411
Fax (416) 224-1941

Members of the City of North York Council:

Mayor:
Mel Lastman (224-6152)

Other members:
Milton Berger (224-6027), Barry Burton (224-6026), Frank Di Giorgio (224-6021), John Filion (224-6023), Joanne Flint (224-6022), Peter Li Preti (224-6032), Maria Rizzo (224-6019), Mario Sergio (224-6025), Judy Sgro (224-6147), David Shiner (224-6031), Ron Summers (224-6029), Paul Sutherland (224-6030), Don Yuill (224-6028)

Other senior officials:

Building Commissioner
E. Yaman Uzumeri (2e4-6376)

City Clerk
Dennis Kelly (224-6073)

City Solicitor
George Dixon (224-6009)

Commissioner of City Hall Building Services
Robert West (224-6223)

Commissioner of Finance and Treasurer
Wanda Liczyk (224-6153)

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/North York, continued

Commissioner of Human Resources
Ron Yarwood (224-6161)

Commissioner of Parks and Recreation
Gord Hutchinson (224-6269)

Commissioner of Planning
Elaine Hitchman (224-6122)

Commissioner of Property and Economic Development
Allan O'Neill (224-6478)

Commissioner of Public Works (Acting)
Alan Wolfe (224-6242)

Commissioner of Transportation
Vince Murphy (224-6365)

Director of Revenue
Margo Hudson (224-6049)

Fire Chief
Al Speed (224-6168

Medical Officer of Health
Graham Pollett (224-6199)

Secretary-Treasurer, Committee of Adjustment
Anthony Evangelista (224-6139)

City of Scarborough

150 Borough Drive
Scarborough, Ontario
M1P 4N7
Tel. (416) 396-7111
Fax (416) 396-4301

Members of the City of Scarborough Council:

Mayor:
Joyce Trimmer (396-7222)
Other members:
Gerry Altobello (396-7778), Bas Balkissoon (396-5270), Harvey Barron (396-7703), Lorenzo Berardinetti (396-5635), Frank Faubert (396-5265), Fred Johnson (396-7133), Doug Mahood (396-5267), Ron Moeser (396-5269), Edith Montgomery (396-5261), Paul Mushinski (396-5268), Marilyn Mushinski (396-5266), Sherene Shaw (396-7686), Mike Tzekas (396-5636), Ron Watson (396-7686).

Other senior officials:

City Manager
Donald W. Roughley (396-7278)

City Clerk
Wm. D. Westwater (396-7279)

City Solicitor
John R. Ratchford (396-7120)

Commissioner of Corporate Services
Jacqueline G. Campbell (396-7762)

Commissioner of Economic Development
Saad Ghanem (396-7743)

Commissioner of Planning and Buildings
Peter Poot (396-7343)

Commissioner of Recreation, Parks and Culture
Bruce F. Fleury (396-7404)

Commissioner of Works & Environment
Michael A. Price (396-7344)

Fire Chief
Thomas L. Powell (396-7786)

Medical Officer of Health
Zofia M. Davison (396-7445)

Tax Collector
Betty Surphlis (396-7115)

Tax Collector
Bert Calvert (396-7247)

Treasurer and Commissioner of Finance and Management Services
David R. Creech (396-7248)

City of Toronto

100 Queen Street West
Toronto, Ontario
M5H 2N1
Tel. (416) 392-9111
Fax (416) 392-6900

Members of the City of Toronto Council:

Mayor:
June Rowlands (392-7001)
Other members:
John Adams (392-7909), Elizabeth Amer (392-7911), William Boytchuk (392-7907), Betty Disero (392-7011), Steve Ellis (392-7904), Kay Gardner (392-7017), Barbara Hall (392-7916), Tom Jakobek (392-7915), Chris Korwin-Kuczynski (392-7919), Howard Levine (392-

/continued

/Toronto, City of, continued

7912), Rob Maxwell (392-7908), Tony O'Donohue (392-7012), Kyle Rae (392-7903), Martin Silva (392-7910), Peter Tabuns (392-7914), Michael Walker (392-7906),

Other senior officials:

City Auditor
Jack Rabinowitz (392-7171)

City Clerk
Barbara Caplan (392-7026)

City Solicitor
Dennis Y. Perlin (392-7221)

Commissioner of Buildings and Inspections
Michael L. Nixon (392-7501)

Commissioner of City Property
Virginia West (392-7132)

Commissioner of Finance
George H. Clarke (392-7051)

Commissioner of Housing
William P. Clarkin (392-7885)

Commissioner of Parks and Recreation
Herb Pirk (392-7284)

Commissioner of Planning and Development
Robert E. Millward (392-7182)

Commissioner of Public Works and the Environment
Nicholas Vardin (392-7701)

Executive Director of Management Services
Arthur Stevenson (392-7715)

Fire Chief
Walter Shanahan (392-0151)

Medical Officer of Health
Perry Kendall (392-7405)

City of York

2700 Eglinton Avenue West
York, Ontario
M6M 1V1
Tel. (416) 394-2514
Fax (416) 394-2803

Members of the City of York Council:

Mayor:
Fergy Brown (394-2404)

Other members:
Rob Davis (394-2412), Michael McDonald (394-2415), Roz Mendelson (394-2410), Joe Mihevc (394-2420), Frances Nunziata (394-2418), Joan Roberts (394-2461), Barry Rowland (394-2417), Bill Saundercook (394-2462),

Other senior officials:

City Manager
Winfield Stockwell (394-2726)

City Clerk
Carlyle Rodrigo (394-2515)

City Solicitor
George Bartlett (394-2531)

Commissioner of Building
Palle Hansen (394-2496)

Commissioner of Finance and Treasurer
Nick Kristoffy (394-2558)

Commissioner of Parks and Recreation
Roger Spraggett (394-2480)

Commissioner of Planning
Ed Sajecki (394-2610)

Commissioner of Works
W.R. Hamilton (394-2651)

Fire Chief
Bruce Parker (394-2785)

Manager of Economic Development
William Steiss (394-2613)

Medical Officer of Health
James Mitchell (394-2436)

Regional Municipality of Peel

10 Peel Centre Drive
Brampton, Ontario
L6T 4B9
Tel. (416) 791-9400
Fax (416) 791-9528

Members of the Peel Regional Council:

Chair: Emil Kolb (584-2272 x4310)

Other members:

Brampton: Rhoda Begley (874-2689), Lorna Bissell (874-2615), Susan Fennell (874-2634), Gael Miles (874-2671), Paul Palleschi (874-2661), Peter Robertson (874-2600). *Caledon:* Norm Calder (584-2272 x273), John Holden (519-927-5972), Richard Pallett (803-8237), Carol Seglins (857-1576), Richard Whitehead (880-0911). *Mississauga:* Hazel McCallion (896-5555), David J. Culham (896-5600), Frank Dale (896-5400), Nando Iannicca (896-5700), Harold E. Kennedy (896-5100), Katie Mahoney (896-5800), Hazel McCallion (896-5555), Frank McKechnie (896-5500), Patricia Mullin (896-5200), Maja Prentice (896-5300), Pat Saito (896-5900).

Other senior officials:

Chief Administrative Officer
Michael R. Garrett (584-2272 x4312)

Commissioner and Medical Officer of Health
Peter Cole (584-2272 x2215)

Commissioner of Finance and Treasury
Louise Eason (584-2272 x4292)

Commissioner of Housing
Roger Maloney (584-2272 x2246)

Commissioner of Planning
Peter Allen (584-2272 x4349)

Commissioner of Public Works
Don J. Markle (584-2272 x4365)

Commissioner of Social Services
Paul Vezina (584-2272 x2335)

Regional Clerk
Deborah Trouten (791-9400 x4325)

City of Brampton

2 Wellington Street West
Brampton, Ontario
L6Y 4R2
Tel. (416) 874-2119
Fax (416) 874-2000

Members of the City of Brampton Council:

Mayor: Peter Robertson (874-2600)

Other members:

Rhoda Begley (874-2689), Lorna Bissell (874-2615), Susan Fennell (874-2634), Grant Gibson (874-2605), Sandra Hames (874-2611), Bob Hunter (874-2601), John Hutton (874-2606), Linda Jeffrey (874-2602), Don McMullen (874-2603), Dick Metzak (874-2609), Gael Miles (874-2671), Malcolm Moore (874-2604), Valerie Orr (874-2607), Paul Palleschi (874-2661), Peter Richards (874-2608), John Sprovieri (874-2610).

Other senior officials:

Chief Administrative Officer
Al Solski (874-2625)

City Clerk and Director of Administration
Leonard Mikulich (874-2113)

City Solicitor
John Metras Q.C. (874-2684)

City Treasurer
Paul Caine (874-2551)

Commissioner of Community Services
Don Gordon (874-2324)

Commissioner of Planning and Development
John Marshall (874-2056)

Commissioner of Public Works and Building
Larry Koehle (874-2507)

Director of Business Development
Bob Cranch (874-2650)

Director of Human Resources
Frank Kovrig (874-2150)

Town of Caledon

Box 1000
Caledon East,Ontario
L0N 1E0
Tel. (416) 584-2272
Fax (416) 857-2717

Members of the Town of Caledon Council:

Mayor:
Norm Calder (584-2272 x273)
Other members:
John Davidson (584-2634), Allan Frost (838-3643), John Holden (519-927-5088), David Hughes (519-927-5972), Lucy Kristan (584-2480), Richard Pallett (803-8237), Carol Seglins (857-1576), Richard Whitehead (880-0911), Peter Wylie (857-1125 x273).

Other senior officials:

Chief Administrative Officer
Gary Boyce (584-2272 x221)

Chief, By-law/Property Standards Officer
Bruce Norris (584-2272 x219)

Clerk
Marjory Morden (584-2272 x218)

Director of Building and Zoning
Don Boughen (584-2272 x272)

Director of Engineering
John Hook (584-2272 x232)

Director of Human Resources
Diane Lambert (584-2272 x278)

Director of Parks and Recreation
Graham Burke (584-2272 x236)

Director of Planning
Bryan Manning (584-2272 x245)

Director of Public Works
Bert Moore (584-2272 x237)

Fire Chief
Bob Hilton (584-2272 x240)

Solictor
David Olster (584-2272 x222)

Treasurer
Samuel Jones (584-2272 x215)

City of Mississauga

300 City Centre Drive
Mississauga, Ontario
L5B 3C1
Tel. (416)896-5000
Fax (416) 896-5220

Members of the City of Mississauga Council:

Mayor: Hazel McCallion (896-5555)
Other members:
David J. Culham (896-5600), Frank Dale (896-5400), Nando Iannicca (896-5700), Harold E. Kennedy (896-5100), Katie Mahoney (896-5800), Frank McKechnie (896-5500), Patricia Mullin (896-5200), Maja Prentice (896-5300), Pat Saito (896-5900).

Other senior officials:

Chief Administrative Officer
(Vacant) (896-5000 x)

Commissioner of Community Services
Bryan MacRae (615-3100)

Commissioner of Corporate Services
(Vacant) (896-5000 x)

Commissioner of Finance and Treasurer
Bill Munden (896-5000 x5262)

Commissioner of Human Resources
David Bray (896-5000 x5023)

Commissioner of Planning and Development
Tom Mokrzycki (896-5000 x5561)

Commissioner of Public Works
(Vacant) (896-5000 x)

Commissioner of Transportation and Works
G.S. Spencer (896-5000 x5112)

Director of Economic Development
Karen Campbell (896-5000 x5012)

Regional Municipality of York

62 Bayview Parkway
P.O. Box 147
Newmarket, Ontario
L3Y 4W9
Tel. (416) 895-1231
Toronto Line 362-2464
Fax (416) 895-3482

Members of the York Regional Council:

Chair:

Other members:

Aurora: John West (727-1375 x261). *East Gwillimbury:* James Mortsen (478-4282). *Georgina:* Robert D. Johnston (476-4301 x214), Danny Wheeler (476-4301). *King:* Margaret Britnell (833-5321 x228). *Markham:* Anthony Roman (477-7000 x288), Carole Bell (477-7000 x899), Gordon Landon (477-7000 x750), Fred Cox (477-7000 x757), Frank Scarpitti (477-7000 x754). *Newmarket:* Raymond J. Twinney (895-5193 x236), Robert Scott (895-5193 x236). *Richmond Hill:* William Bell (771-8800 x3123), Gail Blackburn (771-8800 x2493), Isabelle Gargarella (771-8800 x2498). *Vaughan:* Lorna Jackson (832-2281 x348), Michael Di Biase (832-2281 x340), Gino Rosati (832-2281 x349). *Whitchurch-Stouffville:* Fran Sainsbury (640-1900 x230).

Other senior officials:

Chief Administrative Officer
Bob Forhan (895-1231 x202)

Chief of Police
Donald Hillock (895-1221 x262)

Commissioner of Community Services
Peter Crichton (895-5166)

Commissioner of Management Services
Robert Keffer (895-1231 x232)

Commissioner of Planning
John Livey (895-1231 x250)

Commissioner of Transportation
John Ireland (895-2303 x238)

Director of Human Resources
Patrick Kelly (895-1231 x283)

Medical Officer of Health
Helena Jazcek (895-4511)

Regional Clerk
Dennis Hearse (895-1231 x210)

Regional Solicitor
Craig MacFarlane (895-1231 x220)

Regional Treasurer
Joe Pennachetti (895-1231 x240)

Town of Aurora

100 John West Way
Box 1000
Aurora, Ontario
L4G 6J1
Tel. (416) 727-1375
Fax (416) 841-3483

Members of the Town of Aurora Council:

Mayor:
John West (727-1375 x261)

Other members:
Don Constable (727-1375 x261), Dave Griffith (727-1375 x259), Tim Jones (727-1375 x263), Herb McKenzie (727-1375 x261), Betty Pedersen (727-1375 x261), George Timpson (727-1375 x262), Norm Weller (727-1375 x261).

Other senior officials:

Chief Administrative Officer
Jay B. Currier (727-1375 x251)

Director of Building Administration
Leo Grellette (727-1375 x391)

Director of Leisure Services
Allan Seabrooke (727-1375 x321)

Director of Personnel
Ainslie Wood (727-1375 x361)

Director of Planning
Sue Siebert (727-1375 x341)

Director of Public Works
Bruce Bowes (727-1375)

Fire Chief
Stuart Wilson (727-1375 x311)

Municipal Clerk
Lawrence Allison (727-1375 x221)

Treasurer
Sandra Cartwright (727-1375 x111)

Town of East Gwillimbury

19000 Leslie Street
Sharon, Ontario
L0G 1V0
Tel. (416) 478-4282
Fax (416) 478-2808

Members of the Town of East Gwillimbury Council:

Mayor:
James Mortsen (478-4282)
Other members:
Jack Hauseman (478-4282), Marlene Johnston (478-4282), Frank Kelly (478-4282), Paul Mainprize (478-4282).

Other senior officials:

Clerk Administrator
John F. Hopkins (478-4282)

Director of Parks and Recreation
Rick LeClair (478-4282)

Town Engineer
Wayne Hunt (478-4282)

Town Planner
C. McInnis (478-4282)

Treasurer
Fred A. Reid (478-4282)

Town of Georgina

R.R. #2
Keswick, Ontario
L4P 3E9
Tel. (416) 476-4301
Fax (416) 476-8100

Members of the Town of Georgina Council:

Mayor:
Robert D. Johnston (476-4301 x214)

Other members:
Philip Bell (476-4301), Robert A. Grossi (476-4301), John Hastings (476-4301), Mike Keating (476-4301), Bill Laird (476-4301), Bruce Lindsay (476-4301), Stephen Pallett (476-4301), Danny Wheeler (476-4301).

Other senior officials:

Chief Administrative Officer
Wayne Woods (476-4301 x245)

Clerk
Larry Simpson (476-4301 x215)

Director of Planning
Doug Carroll (476-4301 x246)

Fire Chief
Al Bush (476-4301 x244)

Human Resources Officer
Claire Stuebing (476-4301 x243)

Town Engineer
Robert MacLoughlen (476-4301 x234)

Treasurer
Stan Armstrong (476-4301 x201)

Township of King

R.R. #2
King City, Ontario
L0G 1K0
Tel. (416) 833-5321
Fax (416) 933-2300

Members of the Township of King Council:

Mayor:
Margaret Britnell (833-5321 x228)

Other members:
Margaret Black (939-8384), Laura McArthur (832-2500), James Morning (727-9097), Rob Payne (833-2447), Terry Price (939-8104), Bob Voorberg (775-5168).

Other senior officials:

Chief Building Official
Brian Grubbe (833-5321 x254)

Clerk
Cameron H. Duncan (833-5321 x227)

Director of Planning
Stephen Kitchen (833-5321 x232)

Director of Public Works
Kevin D. Young (833-5321 x249)

Parks and Recreation Co-ordinator
Gloria Reszler (833-5321 x252)

Treasurer
Donald L. Young (833-5321 x241)

Town of Markham

101 Town Centre Blvd.
Markham, Ontario
L3R 9W3
Tel. (416) 477-7000
Fax (416) 479-7771

Members of the Town of Markham Council:

Mayor:
Anthony Roman (477-7000 x288)
Other members:
Carole Bell (477-7000 x899), Alex Chiu (477-7000 x752), Fred Cox (477-7000 x757), Ken Dunphy (477-7000 x756), Bill Fisch (477-7000 x886), Jim Jones (477-7000 x758), Gordon Landon (477-7000 x750), Tom Newall (477-7000 x751), Doreen Quirk (477-7000 x746), Frank Scarpitti (477-7000 x754), Robert C. Sherwood (477-7000 x749), David H. Tsubouchi (477-7000 x747).

Other senior officials:

Town Administrator
John D. Morand (477-7000 x245)

Commissioner of Finance and Administration
John W. McCormack (477-7000 x220)

Commissioner of Legal Services
Robert J. Swayze (477-7000 x257)

Commissioner of Planning and Development
Lorne V. McCool (477-7000 x263)

Commissioner of Recreation and Culture
Brian Wrigglesworth (477-7000 x730)

Commissioner of Works
Dalibor Keliar (477-7000 x265)

Director of Administrative Services
(Vacant) (477-7000 x)

Director of Human Resources
Richard Green (477-7000 x869)

Fire Chief
Ken Beckett (477-7000 x667)

Town Clerk
Kathleen Naylorde (477-7000 x237)

Town of Newmarket

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Fax (416) 895-6004

Members of the Town of Newmarket Council:

Mayor:
Raymond J. Twinney (895-5193 x236)
Other members:
Dean Burton (895-5193 x377), Peter Hall (895-5193 x377), Diane Humeniuk (895-5193 x377), David Kerwin (895-5193 x377), Pam MacDonald (895-5193 x337), Gail Parks (895-5193 x337), Robert Scott (895-5193 x236), Ray Snow (895-5193 x337)

Other senior officials:

Chief Building Official
Ron Tremblay (895-5193 x245)

Commissioner of Parks and Recreation
Bill Andrews (895-5193 x224)

Director of Administration
James Barber (895-5193 x221)

Director of Planning
Katherine Emerson (895-5193 x264)

Fire Chief
Sam Rippey (895-9222)

Municipal Solicitor
Susan Plamondon (895-5193 x263)

Town Clerk
Robert M. Prentice (895-5193 x222)

Town Engineer
Roy Howard (895-5193 x225)

Treasurer
Robert K. Dixon (895-5193 x296)

Works Superintendent
Ross Patrick (895-5193 x244)

Town of Richmond Hill

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Members of the Town of Richmond Hill Council:

Mayor:
William Bell (771-8800 x3123)

Other members:
Catherine Bishop (771-8800 x2510), Gail Blackburn (771-8800 x2493), David Cohen (771-8800 x2494), Isabelle Gargarella (771-8800 x2498), Janet L. Mabley (771-8800 x2508), Jane Robertson (771-8800 x2503), Tom Simpson (771-8800 x2517), Bryon Wilfert (771-8800 x2509).

Other senior officials:

Chief Librarian
Jane Horrocks (770-0310)

Clerk
Robert J. Douglas (771-8800 x3025)

Commissioner of Building
John Pateman (771-8800 x2428)

Commissioner of Finance and Administration
Larry Reed (771-8800 x3651)

Commissioner of Parks and Recreation
Lynton Friedberg (771-8800 x2422)

Commissioner of Works
Bernie Toporowski (771-8800 x3514)

Fire Chief
Robert Kennedy (771-8800 x3716)

Town Solicitor
Teresa Kowalishin (771-8800 x3821)

City of Vaughan

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Vaughan, Ontario
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Members of the City of Vaughan Council:

Mayor:
Lorna Jackson (832-2281 x348)

Other members:
Frank Cipollone (832-2281 x339), Michael Di Biase (832-2281 x340), Joyce Frustaglio (832-2281 x341), Bernie Green (832-2281 x345), Peter Meffe (832-2281 x350), Peter Messe (832-2281 x350), Mario Racco (832-2281 x342), Gino Rosati (832-2281 x349).

Other senior officials:

Chief Administrative Officer
Scott Somerville (832-2281 x290)

City Clerk
John Leach (832-2281 x281)

City Solicitor
Teri Caron (832-2281 x386)

Commissioner of Economic Development
Frank Miele (832-2281 x244)

Commissioner of Finance
Clayton Harris (832-2281 x475)

Commissioner of Public Works and Utilities
George Todd (832-2281 x639)

Commissioner of Recreation and Culture
Doris Haist (832-2281 x501)

Director of Engineering
Bill Robinson (832-2281 x247)

Director of Human Resources
Robin Nagel (832-2281 x395)

Director of Management Information Services
Steve R. Thompson (832-2281 x352)

Director of Planning
John Stevens (832-2281 x208)

Fire Chief
John Sutton (832-2281 x205)

Town of Whitchurch-Stouffville
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Fax (416) 640-7957

Members of the Town of Whitchurch-Stouffville Council:

Mayor:
Fran Sainsbury (640-1900 x230)

Other members:
Bob Ancheril (640-2429), Stephen Bellerby (646-6368), Ivanka Bradley (727-3511), Cliff Dunkeld (640-1204), Ken Prentice (642-1626), Nick Tatone (642-0817)

Other senior officials:

Chief Administrative Officer
Robert Panizza (640-1900 x222)

Chief Executive Officer, Public Library
Marilyn Ferguson (640-2395)

Director of Building
Bob Bennett (640-1900 x246)

Director of Finance
Ed Blackburn (640-1900 x237)

Director of Parks and Recreation
Marlane McKee-Wetheral (640-6527 x6528)

Director of Public Works
Paul Whitehouse (640-1900 x248)

Fire Chief
Bill Brown (640-3050)

Planning Coordinator
Ken Aida (640-1900 x234)

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